CCW/CONF.I/16 (Part II)

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

FINAL DOCUMENT

Part II

DOCUMENTS AND SUMMARY RECORDS OF THE CONFERENCE

Geneva, 1996

CCW/CONF.I/16 (Part II)

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

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NOTE

The Final Document of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Vienna, 25 September to 13 October 1995, Geneva, 15 to 19 January 1996 and 22 April to 3 May 1996) consists of two parts:

I. Final Report of the Conference (CCW/CONF.I/16 (Part I))

II. Documents and summary records of the Conference (CCW/CONF.I/16(Part II))

PART II

DOCUMENTS AND SUMMARY RECORDS OF THE CONFERENCE*

CONTENTS

Page

1. List of documents 4

2. CCW/CONF.I/1-15 11

3. CCW/CONF.I/WP.1/Rev.1, WP.3 and WP.4/Rev.1 183

4. CCW/CONF.I/CRP.1-5 and 7-20/Rev.1 214

5. CCW/CONF.I/MC.I/1 (Main Committee I) 281

6. CCW/CONF.I/DC/1 (Drafting Committee) 283

7. CCW/CONF.I/CC/1 (Credentials Committee) 284

8. Summary records of the 1st to 8th meetings (Vienna 25 September - 13 October 1995) 287

9. Summary records of the 9th and 10th meetings (Geneva, 15-19 January 1996) 393

10. Summary records of the 11th to 14th meetings (Geneva, 22 April - 3 May 1996) 406

11. Summary records of the 9th to 14th meetings - Corrigendum 458

12. Lists of participants 461

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*Note: The following documents are not produced here:

(a) Document CCW/CONF.I/WP.2/Add.1 was issued in English only during the first phase of the Review Conference in Vienna.

(b) Working papers and conference room papers of the three Main Committees.

(c) Document CCW/CONF.I/CRP.6 was subsequently issued as document CCW/CONF.I/11.

(d) Information documents except the lists of participants for the three phases of the Review Conference.

List of documents

Symbol	Title or description
CCW/CONF.I/1	Final Report of the Group of Governmental Experts to prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.I/2	Provisional agenda
CCW/CONF.I/3	Letter dated 27 September 1995 from H.E. Ana Marija Bešker, Permanent Representative of the Republic of Croatia to the United Nations and International Organizations at Vienna, addressed to the President of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.I/4*	Report of Main Committee III
CCW/CONF.I/5	Note verbale dated 6 October 1995 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons
CCW/CONF.I/6*	Report of the Credentials Committee
CCW/CONF.I/7	Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects - Protocol on Blinding Laser Weapons (Protocol IV)
CCW/CONF.I/8/Rev.1	Interim Report of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

CCW/CONF.I/9	Note verbale dated 25 October 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other International Organizations in Geneva
CCW/CONF.I/10	Estimated costs of the resumed sessions of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.I/11	Interim Report of the resumed session of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.I/12	Document submitted by China on "Moratorium on the export of anti-personnel landmines"
CCW/CONF.I/13	Document submitted by Croatia on "Moratorium on the use, production, stockpiling, import and export of anti-personnel landmines, booby-traps and remotely-delivered anti-personnel mines"
CCW/CONF.I/14/Rev.1	Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II as amended on 3 May 1996) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.I/15	Letter dated 3 May 1996, submitted by the Permanent Representative of the Republic of Bulgaria to the United Nations at Geneva
CCW/CONF.I/WP.1/Rev.1	Main Committee I - Draft Final Declaration
CCW/CONF.I/WP.2/Add.1	Main Committee II - Working documents
CCW/CONF.I/WP.3	Compilation of proposals related to the President's text in CCW/CONF.I/WP.4
CCW/CONF.I/WP.4/Rev.1	President's text
CCW/CONF.I/CRP.1	Specifications on Detectability (for Technical Annex), proposal submitted by the United Kingdom

CCW/CONF.I/CRP.2*	Article 2, proposal submitted by Ukraine
CCW/CONF.I/CRP.3	Article 3 of the Technical Annex, proposal submitted by Ukraine
CCW/CONF.I/CRP.4	Technical annex, proposal submitted by France, Russian Federation, United Kingdom and United States
CCW/CONF.I/CRP.5	Anti-handling devices: background paper submitted by the Netherlands delegation
CCW/CONF.I/CRP.6*	Draft Interim Report of the resumed session of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.I/CRP.7	Proposed changes to Article 14 of the President's text on compliance with this Protocol, submitted by the United Kingdom
CCW/CONF.I/CRP.8	Article 13, paragraph 4, proposal submitted by Germany
CCW/CONF.I/CRP.9/Rev.1	Compliance Annex, proposal submitted by the United States
CCW/CONF.I/CRP.10*	Article 12 - Protection from the effects of minefields, mined areas, mines, booby-traps and other devices, proposal submitted by India and the United Kingdom
CCW/CONF.I/CRP.11*	Technical Annex, proposal submitted by Canada
CCW/CONF.I/CRP.12	Technical Annex, proposal submitted by France
CCW/CONF.I/CRP.13	PROTOCOL II, President's paper on Articles 2-10 and Technical Annex
CCW/CONF.I/CRP.14	Technical Annex, proposal submitted by Belgium
CCW/CONF.I/CRP.15	Article 11 - Technological cooperation and assistance
CCW/CONF.I/CRP.16	Article 13 - Consultations of High Contracting Parties
CCW/CONF.I/CRP.17	Article 14 - Compliance with this Protocol

CCW/CONF.I/CRP.18	Article 12 - Protection from the effects of minefields, mined areas, mines, booby-traps and other devices
CCW/CONF.I/CRP.19	Revised President's text on Protocol II and Technical Annex
CCW/CONF.I/CRP.20/Rev.1	Draft Final Report of the Review Conference
	Main Committee I
CCW/CONF.I/MCI/1	Report of Main Committee I
	Main Committee II
CCW/CONF.I/MCII/WP.1	Article 2: Definitions, working paper submitted by the Russian Federation
CCW/CONF.I/MCII/WP.2	Article 6 ter: Transfers, working paper submitted by the Russian Federation
CCW/CONF.I/MCII/WP.3	Introductory statement for an additional paragraph in Article 4, working paper submitted by Australia
CCW/CONF.I/MCII/WP.4	Chairman's Rolling Text (revised, after first reading) (Articles 1-12 and Technical Annex), informally submitted in English only for negotiating purposes
CCW/CONF.I/MCII/WP.4/1	Informal paper number one, submitted by the Chairman (Article 1)
CCW/CONF.I/MCII/WP.4/2	Informal paper number two, submitted by the Chairman (Article 2 and proposals by Cuba, Russian Federation, India, South Africa and Austria; Technical Annex and proposals by Ireland, Slovakia, India and the United States of America)
CCW/CONF.I/MCII/WP.4/2/Add.1	Chairman's Draft Paper (Article 2 and proposals by Cuba, Russian Federation, India, South Africa and Austria; Technical Annex and proposals by Ireland, Slovakia, India and the United States of America)

CCW/CONF.I/MCII/WP.4/3	Informal paper number three, submitted by the Chairman (Article 3 and proposals by Belgium, International Committee of the Red Cross, India, Israel and UNICEF; Article 4 and proposals by Sweden, International Committee o the Red Cross, Israel and Australia; Article 5 and proposals by Cuba, Pakistan, India and China; Article 5 *bis* and proposals by India an Italy)
CCW/CONF.I/MCII/WP.4/3/Add.1 and Rev.1	Chairman's Draft Paper (Articles 3, 4, 5 and 6
CCW/CONF.I/MCII/WP.4/4	Informal paper number four, submitted by the Chairman (Article 6 *bis* and proposal by Chile; Article 6 *ter* and proposals by China, Russian Federation, India, Slovakia and Chile)
CCW/CONF.I/MCII/WP.4/4/Add.1 and Rev.1 and 2	Chairman's Draft Paper (Articles 6 *bis* and *ter*
CCW/CONF.I/MCII/WP.4/5	Informal paper number five, submitted by the Chairman (Article 7 and proposal by China; Article 8 and proposal by the United Kingdom o Great Britain and Northern Ireland and Article 9)
CCW/CONF.I/MCII/WP.4/5/Add.1 and Rev.1	Chairman's Draft Paper (Articles 7, 8 and 9)
CCW/CONF.I/MCII/WP.4/6	Informal paper number six, submitted by the Chairman (Article 9 *bis* and proposals submitte by Japan, Ecuador and Mexico)
CCW/CONF.I/MCII/WP.4/6/Add.1	Chairman's Draft Paper (Article 9 *bis*)
CCW/CONF.I/MCII/WP.4/7	Informal paper number seven, submitted by the Chairman (Alternative A, B and C, Articles 10, 11 and 12 and proposals by Cuba, Japan and proposal by the Chairman)
CCW/CONF.I/MCII/WP.4/8	Declaratory language relating to landmines (Article 3, para. 10, and proposals by Chile and the United States of America)
CCW/CONF.I/MCII/WP.5	Protocol II, Article 6 *ter*: Transfers, working paper submitted by Australia, Canada, Chile, Croatia, Denmark, Germany, Ireland, Japan, the Netherlands, New Zealand, Norway, Poland, South Africa, Sweden, Switzerland and Ukraine

CCW/CONF.I/MCII/WP.6	Proposal concerning the organization of mine clearance, submitted by Ukraine
CCW/CONF.I/MCII/WP.7	Proposals concerning the participation of Ukraine in mine clearance, submitted by Ukraine
CCW/CONF.I/MCII/WP.8	On the establishment by Ukraine of a moratorium on the export of anti-personnel mines, submitted by Ukraine
	Main Committee III
CCW/CONF.I/MCIII/WP.1	Blinding weapons under the laws on armed conflict, working paper submitted by the Netherlands
CCW/CONF.I/MCIII/WP.2	Protocol on laser weapons and blinding laser beams, working paper submitted by Austria
CCW/CONF.I/MCIII/WP.3	Laser protocol, working paper submitted by the United States of America
CCW/CONF.I/MCIII/WP.4/Rev.2	Paper by the Chairman - Protocol IV
CCW/CONF.I/MCIII/WP.5	Draft report of Main Committee III
	Drafting Committee
CCW/CONF.I/DC/1	Report of the Drafting Committee (2nd resumed session)
	Credentials Committee
CCW/CONF.I/CC/1	Report of the Credentials Committee (2nd resumed session)
	Summary Records
CCW/CONF.I/SR.1-8	Summary records of the 1st to 8th meetings (Vienna, 25 September - 13 October 1995)
CCW/CONF.I/SR.9-10	Summary records of the 9th and 10th meetings (Geneva, first resumed session 15-19 January 1996)
CCW/CONF.I/SR.11-14 and Add.1	Summary records of the 11th to 14th meetings (Geneva, second resumed session 22 April - 3 May 1996)
CCW/CONF.I/SR.9-14/Add.1/ Corrigendum	Summary records of the 9th to 14th meetings - Corrigendum

Information Documents

CCW/CONF.I/INF.1	Information for participants
CCW/CONF.I/INF.2/Rev.1	Proposed programme of work
CCW/CONF.I/INF.3 and Add.1-3	List of States parties and signatories
CCW/CONF.I/INF.4	List of offices and telephone numbers
CCW/CONF.I/INF.6	List of offices and telephone numbers

Lists of participants

CCW/CONF.I/INF.5/Rev.1	List of participants (Vienna, 25 September to 13 October 1995)
CCW/CONF.I/INF.7	Provisional List of Participants
CCW/CONF.I/INF.8	List of Participants (Geneva, first resumed session 15-19 January 1996)
CCW/CONF.I/INF.9	List of Participants (Geneva, second resumed session 22 April - 3 May 1996)

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/1
10 July 1995

Original: ENGLISH

Vienna, 25 September-13 October 1995

FINAL REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

1. The Group of Governmental Experts to Prepare the Review Conference of the States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, held its fourth session at the Palais des Nations, Geneva, from 9 to 20 January 1995, in accordance with the decision taken at its third session. The Group held 16 plenary meetings during that period under the Chairmanship of Ambassador Johan Molander of Sweden. Mr. C. Narain of India and Mr. Peter Poptchev of Bulgaria continued to serve as Vice-Chairmen of the Group. Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs, Department of Political Affairs, continued to serve as Secretary of the Group.

2. At the fourth session of the Group of Governmental Experts, the following States parties to the Convention participated in the work of the Group: Australia, Austria, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, India, Japan, Latvia, Mexico, the Netherlands, New Zealand, Norway, Pakistan, Poland, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland and Ukraine. The following States non-parties to the Convention also participated in the work of the Group as observers: Afghanistan, Algeria, Angola, Argentina, Belgium, Brazil, Cambodia, Chile, Colombia, Ethiopia, Iran (Islamic Republic of), Ireland, Israel, Italy, Kenya, Kuwait, Nicaragua, Peru, Portugal, the Republic of Korea, Romania, South Africa, the Syrian Arab Republic, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The International Committee of the Red Cross took part in the work of the Group, pursuant to the invitation issued by the Secretary-General of the United Nations, the Depositary of the Convention. The United Nations Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund also took part in the work of the Group as observers.

3. The Group continued to concentrate its efforts on agenda item 10 entitled "Consideration of proposals for and preparation of amendments to Protocol II of the Convention and the adoption of the report of the Group of Experts for submission to the States parties". At the same time, the Group also decided to keep open agenda item 9 entitled "General exchange of views", so that the substantive consideration of the issues before the Group could benefit from such an exchange of views. In this connection, a large number of delegations participated in the exchange of views.

4. In the course of its consideration of agenda item 10 regarding amendments to Protocol II to the Convention, the Group had before it the following documents:

(1) CCW/CONF.I/GE/3 - "Draft amended protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices (Protocol II)" submitted by France;

(2) CCW/CONF.I/GE.5 - "Summary of negotiations leading to the conclusion of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and of subsequent developments related to the Convention" prepared by the Secretariat;

(3) CCW/CONF.I/GE/6 - "The rationale for amending and the ways and means of improving Protocol II of the Convention as well as the military and humanitarian perspectives concerning the amendment of Protocol II of the Convention" prepared by the International Committee of the Red Cross;

(4) CCW/CONF.I/GE/7 - Communication received from the Republic of Argentina on a Moratorium;

(5) CCW/CONF.I/GE/10 - Proposal by Sweden on Article 6;

(6) CCW/CONF.I/GE/13 - A speech by the Deputy Minister of Defence of South Africa;

(7) CCW/CONF.I/GE/18 - "Commission of States parties" proposed by the Russian Federation;

(8) CCW/CONF.I/GE/19 - Official communication received from Israel;

(9) CCW/CONF.I/GE/20 - "Prohibitions and restrictions" proposed by the Russian Federation;

(10) CCW/CONF.I/GE/CRP.2 - "Chairman's Rolling Text" prepared by the Chairman;

(11) CCW/CONF.I/GE/CRP.2/Rev.1 - "Chairman's Rolling Text" prepared by the Chairman;

(12) CCW/CONF.I/GE/CRP.5 - "Non-paper on the scope of application" submitted by Germany;

(13) CCW/CONF.I/GE/CRP.6 - "Non-paper on definitions" submitted by Germany;

(14) CCW/CONF.I/GE/CRP.7 - "The question of mines in the Review Conference of the Conventional Weapons Convention: discussion paper" submitted by the Netherlands;

(15) CCW/CONF.I/GE/CRP.8 - "Non-paper on the structure of clusters 3 (restrictions and prohibitions) and 4 (verification)" submitted by Germany;

(16) CCW/CONF.I/GE/CRP.9 - "Non-paper on cluster 3 (prohibitions and restrictions)" submitted by Germany;

(17) CCW/CONF.I/GE/CRP.10 - "Article 4 - Specific restrictions on the use of mines, booby-traps and other devices" submitted by Denmark and the United States;

(18) CCW/CONF.I/GE/CRP.10/Rev.1 - "Article 4 - Specific restrictions on the use of mines, [booby-traps] and other devices" submitted by Denmark and the United States;

(19) CCW/CONF.I/GE/CRP.11 - "Protocol II - New Article - Transfers" submitted by Australia;

(20) CCW/CONF.I/GE/CRP.11/Rev.1 - "Protocol II - New Article - Transfers" submitted by Australia, the Netherlands and Sweden;

(21) CCW/CONF.I/GE/CRP.12 - "Main Convention - New Article - Grave Breaches" submitted by Australia and Sweden;

(22) CCW/CONF.I/GE/CRP.13 - "Main Convention - New Article - Implementation Procedures; Protocol II - New Article - Verification Commission" proposed by Australia;

(23) CCW/CONF.I/GE/CRP.14 - "Working Paper" presented by Bulgaria;

(24) CCW/CONF.I/GE/CRP.17 - "Non-paper on the Technical Annex to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol II)" submitted by Germany;

(25) CCW/CONF.I/GE/CRP.18 - "Article 8" proposed by Austria;

(26) CCW/CONF.I/GE/CRP.19 - "Article 3" submitted by Mexico;

(27) CCW/CONF.I/GE/CRP.20 - "Protocol II - New Article - Reports" submitted by Australia;

(28) CCW/CONF.I/GE/CRP.21 - "Discussion paper - Scope" submitted by Australia on behalf of a Contact Group;

(29) CCW/CONF.I/GE/CRP.22 - "Non-paper on definitions" submitted by India on behalf of the Consultation Group of Experts;

(30) CCW/CONF.I/GE/CRP.23 - "Discussion paper on booby-traps and other devices" submitted by Australia;

(31) CCW/CONF.I/GE/CRP.24 - "Proposals on prohibitions and restrictions" submitted by the International Committee of the Red Cross;

(32) CCW/CONF.I/GE/CRP.25 - "Verification and Compliance" proposed by France and Germany;

(33) CCW/CONF.I/GE/CRP.26 - "Technical Annex to Protocol II" Working paper submitted by France;

(34) CCW/CONF.I/GE/CRP.27 - "Verification and Compliance" proposed by Finland;

(35) CCW/CONF.I/GE/CRP.29 - "Protocol on anti-personnel landmines" proposed by Estonia;

(36) CCW/CONF.I/GE/CRP.31 - "New Article 9 A - Provisioning of Technical Assistance to the States parties" - proposed by Pakistan, co-sponsored by China, Cuba and Iran (Islamic Republic of);

(37) CCW/CONF.I/GE/CRP.32 and Corr.1 (English only) - "Verification and Compliance" joint proposal by China, Cuba, Iran (Islamic Republic of) and Pakistan;

(38) CCW/CONF.I/GE/CRP.33 - "Proposal on Article 9 - Technological cooperation and assistance" submitted by Cuba, Iran (Islamic Republic of) and Pakistan;

(39) CCW/CONF.I/GE/CRP.34 - "Article 8 - Protection of forces, missions, agencies and other bodies under the authority of the United Nations, of regional arrangements (agencies) acting under Chapter VIII of the United Nations Charter and of the International Committee of the Red Cross from the effects of minefields, mines, booby-traps and other devices" proposed by Austria;

(40) CCW/CONF.I/GE/CRP.35 - "Article .. - Commission of States parties" proposed by the Russian Federation;

(41) CCW/CONF.I/GE/CRP.36 - Working paper on "Article 3 - General restrictions on the use of mines, booby-traps, and other devices" jointly submitted by Denmark, Germany and the United States of America;

(42) CCW/CONF.I/GE/CRP.38 - "Protocol II - New article on transfers" proposed by Australia, Denmark, Ireland, the Netherlands, New Zealand, Norway, South Africa, Sweden and Switzerland;

(43) CCW/CONF.I/GE/CRP.38/Rev.1 - "Protocol II - Article 6 ter: Transfers", proposal by Afghanistan, Australia, Cambodia, Canada, Denmark, Germany, Ireland, Latvia, the Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland and Ukraine;

(44) CCW/CONF.I/GE/CRP.39 - "Technical Annex Provisions" submitted by the United States;

(45) CCW/CONF.I/GE/CRP.40 - "Article 4, paragraph 2" proposed by Denmark and the United States;

(46) CCW/CONF.I/GE/CRP.41 - "Protocol II, Article 8, paragraph 3" proposed by the International Committee of the Red Cross;

(47) CCW/CONF.I/GE/CRP.42 - "Protocol II, Article 2, paragraph 1" proposed by the delegation of the United Kingdom;

(48) CCW/CONF.I/GE/CRP.43 - "Proposal for a new Article 4" submitted by the delegations of Denmark, Finland, France, Germany, United Kingdom and the United States;

(49) CCW/CONF.I/GE/CRP.44 - "Proposals regarding the Chairman's rolling text (CCW/CONF.I/GE/21)", non-paper submitted by Ukraine;

(50) CCW/CONF.I/GE/CRP.46 - "Establishment by the Russian Federation of a moratorium on exports of anti-personnel mines" submitted by the Russian Federation;

(51) CCW/CONF.I/GE/CRP.47 - "Proposals regarding Appendix I (Articles 10, 11, 12) submitted by Ukraine;

(52) CCW/CONF.I/GE/CRP.48 - "Article 8 (draft)" proposal by Poland;

(53) CCW/CONF.I/GE/CRP.49 - "Article 10 - Verification Commission" proposal by Australia, Canada, France, Germany, New Zealand, Norway and the United States;

(54) CCW/CONF.I/GE/CRP.50 - "Proposal for new text regarding Article 9 on Technology Cooperation and Assistance" submitted by Belgium, Denmark, Greece, the Netherlands, Switzerland and the United States;

(55) CCW/CONF.I/GE/CRP.51 - "Article 10 - Compliance Monitoring" joint proposal submitted by China, Cuba, India, Iran and Pakistan;

(56) CCW/CONF.I/GE/CRP.52 - "Protocol II, Article 1 - Scope of Application" Proposal submitted by Denmark;

(57) CCW/CONF.I/GE/CRP.56 - "Article 8" proposed draft by Australia, Austria, Canada, Denmark, Germany, Ireland, New Zealand, Poland and the United Kingdom;

(58) CCW/CONF.I/GE/CRP.57 - "Article 1 - Scope of Application" proposal by India;

In addition, a large number of informal working papers were submitted by delegations or prepared by the Secretariat during the course of deliberations on the subject.

5. The Group continued to consider various proposals to amend Protocol II to the Convention regarding prohibitions and restrictions on mines, booby-traps and other devices on the basis of the revised rolling text submitted by the Chairman (CCW/CONF.I/GE/21/Annex). Upon the proposal of the Chairman, the Group agreed again to set up various working groups to deal with the subject within the framework of the following clusters of issues: (1) scope of application; (2) definitions; (3) prohibitions and restrictions; and (4) verification, fact-finding and compliance.

6. Working Group I on "Prohibitions and Restrictions" and Technical Military Experts Group on "Definitions and the Technical Annexes" held 10 and 2 meetings respectively under the Chairmanship of Mr. C. Narain of India from 10 to 19 January, assisted by Mr. Lin Kuo-Chung of the Centre for Disarmament Affairs. Working Group I concentrated its efforts on deliberations and negotiations concerning amendments to Articles 3-7 and 9

as well as possible new articles to the Protocol. The Technical Military Experts Group devoted its efforts to Article 2 and Technical Annexes to Protocol II. Various proposals were submitted and considered in the course of those deliberations and negotiations. During this period, the Chairman of the Working Group also conducted informal consultations on those issues. The result of the work of the Group is contained in the Chairman's Rolling Text (Annex I).

7. Working Group II on "Verification, fact-finding and compliance" held four meetings under the Chairmanship of Ambassador Johan Molander, Chairman of the Group of Experts, assisted by Mr. Sohrab Kheradi, Secretary of the Group of Experts. The Working Group had extensive discussions on all aspects relating to the question of a possible verification system, fact-finding missions and measures of compliance with a view to elaborating possible new articles to be added to Protocol II. In the course of the deliberations a number of proposals were put forward and intensive informal consultations were conducted by the Chairman. There was no consensus on the issue, as reflected in the alternative proposals contained in the Chairman's Rolling Text.

8. Working Group III on "Scope of application", "Transfers of mines" and "Technological cooperation and assistance in mine clearance and implementation of Protocol II", held five formal and several informal meetings and consultations under the chairmanship of Mr. Peter Poptchev of Bulgaria from 10 to 18 January, assisted by Mr. Francesco Cottafavi of the Centre for Disarmament Affairs. The Working Group concentrated its efforts on amendments to Articles 1 and 9 bis, as well as on possible new Articles to the Protocol. The result of the work of the Group is contained in the Chairman's Rolling Text.

9. On the basis of the deliberations in the various working groups, the Group of Governmental Experts, upon the proposal of the Chairman, agreed to elaborate an integrated draft text of amendments to Protocol II in the plenary meetings during the period of 19 to 20 January. The revised and integrated draft text of amendments to Protocol II of the Convention is contained in the Chairman's Rolling Text.

10. On 17 January 1995, the Group of Governmental Experts considered agenda item 11 entitled "Consideration of other proposals relating to the Convention and its existing or future Protocols". A substantial discussion was held on the possible wording of the draft Protocol on blinding weapons (Annex II) and statements were made on how to pursue further discussions on naval mines and small calibre weapon systems. A proposal on the periodicity of Review Conferences was also introduced, as reflected in Appendix II of the Chairman's

Rolling Text, where previous proposals pertaining to the main Convention had already been included. The Group had before it for its consideration, the following documents under agenda item 11:

(1) CCW/CONF.I/GE/9 - Background documentation entitled "The rational for considering other proposals relating to the convention and t its existing or future protocols" prepared by the International Committee of the Red Cross;

(2) CCW/CONF.I/GE/11 - "Draft Protocol on Blinding Weapons" - submitted by Sweden;

(3) CCW/CONF.I/GE/12 - "Draft Protocol on Naval Mines" submitted by Sweden;

(4) CCW/CONF.I/GE/14 and Corr.1 - "Blinding weapons: explanatory memorandum to the proposal for a prohibition" submitted by Sweden

(5) CCW/CONF.I/GE.15 - "Small calibre weapon system: Assistance in Wound Ballistics Research and Testing" submitted by Switzerland;

(6) CCW/CONF.I/GE/16 - "Draft Protocol on small calibre weapon systems" submitted by Switzerland;

(7) CCW/CONF/I/GE/CRP.15 - "Convention - Article 5 - Entry into Force Article 9 - Denunciation and Protocol II - Article 6 - Prohibitic on the use of certain mines" submitted by the Russian Federation;

(8) CCW/CONF.I/GE/CRP.28 - "Draft Protocol on blinding weapons" submitted by the International Committee of the Red Cross;

(9) CCW/CONF.I/GE/CRP.30 - "Draft Protocol on naval mines" submitted by France;

(10) CCW/CONF.I/GE/CRP.45 - "Various proposals on blinding weapons" - Non-paper submitted by Sweden;

(11) CCW/CONF.I/GE/CRP.55 - "Proposed Amendment to Article 8 of the Convention" submitted by New Zealand, Ireland, Australia and Sweden;

11. On 20 January 1995, the Group further considered agenda item 12 regarding organizational matters for the Review Conference and took the following decisions:

(a) On item 12 (a) regarding the date and duration of the Review Conference, the Group decided to hold the Conference in Vienna from 25 September to 13 October 1995;

(b) On item 12 (b) regarding the draft rules of procedure for the Conference, the Group approved the draft rules of procedure as contained in document CCW/CONF.I/GE/CRP.53/Rev.1 as amended (Annex III) and recommended it for adoption by the Conference;

(c) On item 12 (c) regarding the provisional agenda for the Conference, the Group approved the draft provisional agenda for the Review Conference as contained in document CCW/CONF.I/GE/CRP.54/Rev.1 (Annex IV) and recommended it for adoption by the Conference;

(d) On item 12 (e) regarding the financial arrangements for the Conference the Group adopted the estimated costs for the Review Conference as contained in document CCW/CONF.I/GE/22/Rev.1. In order to enable in particular developing mine-stricken countries to participate in the Review Conference, the Group invited States parties to consider providing financial assistance to those countries for that purpose;

(e) On item 12 (h) regarding background documentation for the Review Conference, the Group decided not to request any further background documentation for the Conference;

(f) On item 12 (i) regarding the term "Final Document(s)", for the Review Conference, the Group decided to use the term "Final Documents" in connection with the work of the Conference;

(g) On item 12 (j) regarding the appointment of a provisional Secretary-General of the Conference, the Group decided to invite the Secretary-General of the United Nations to nominate a provisional Secretary-General of the Review Conference, in consultation with the States parties, in order to carry out various tasks during the period beginning now until the convening of the Conference, the nominee to be confirmed by the Review Conference. The Group also decided to request its Chairman to convey the wish of the States parties to the appropriate United Nations authorities that Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs and Secretary of the Group of Governmental Experts, be appointed as provisional Secretary-General of the Review Conference, with the understanding that his nomination would be confirmed by the Review Conference.

12. At its final meeting on 20 January 1995, the Group of Governmental Experts unanimously decided to nominate Ambassador Johan Molander (Sweden), the present Chairman of the Group as the President of the Review Conference.

13. The progress reports of the previous three sessions of the Group of Governmental Experts (CCW/CONF.I/GE/4, CCW/CONF.I/GE/8, CCW/CONF.I/GE/21) are annexed to this Final Report for the consideration of the Review Conference (Annex V).

14. At its final plenary meeting, on 20 January 1995, the Group of Experts considered and adopted its draft progress report for the fourth session, as contained in document CCW/CONF.I/GE/CRP.58, as orally amended, which is to be issued as document CCW/CONF.I/GE.23.

ANNEX I

Chairman's Rolling Text

Article 1

[Material] Scope of Application

ALTERNATIVE A:

[1. This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. With the main purpose of protecting the civilian population, this Protocol shall apply in all circumstances including armed conflict and times of peace.

3. Nothing in this Protocol shall be invoked as affecting the purposes and principles contained in the United Nations Charter.

4. The application of the provisions of this Protocol to or by parties to a conflict which are not States parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.]

ALTERNATIVE B:

[This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. This Protocol shall apply to situations referred to in Articles 2 and 3 and common to the Geneva Convention of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

3. In case of conflicts referred to in paragraph 2 above that take place in the territory of a High Contracting Party that has accepted this Protocol, the dissident armed groups in its territory shall be automatically bound to apply the prohibitions and restrictions of this Protocol on the same basis.

4. Nothing in this Protocol shall be invoked for the purpose of affect the sovereignty of a State or the responsibility of the government, by al legitimate means, to maintain or re-establish law and order in the State defend the national unity and territorial integrity of the State.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the arme conflict or in the internal or external affairs of the High Contracting P in the territory of which that conflict occurs.

6. The application of the provisions of this Protocol to Parties to a conflict which are not High Contracting Parties that have accepted this Protocol shall not change their legal status or the legal status of a dis territory, either explicitly or implicitly.]

Article 2

Definitions

For the purpose of this protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or co of a person or vehicle.

2. ["Remotely-delivered mine"] means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dro from an aircraft. [Mines delivered from a land-based system from less tha 500 metres are not considered to be "remotely delivered".]

3. "Anti-personnel mine" means a mine [designed to be] exploded by the presence, proximity or contact of a person and that will incapacitate, in or kill one or more persons.

4. "Booby-trap" means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpected when a person disturbs or approaches an apparently harmless object or per an apparently safe act.

5. "Other devices" means manually emplaced munitions and devices design to kill, injure or damage and which are actuated [by remote control or] automatically after a lapse of time.

6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6.

8. "Minefield" is a defined area in which mines have been emplaced and "Mined area" is an area which is dangerous due to the presence [or suspected presence] of mines.

9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. "Self destructing mechanism" means an incorporated automatically functioning mechanism which secures the destruction of a munition.

11. "Self neutralizing mechanism" means an incorporated automatically functioning mechanism which renders a munition inoperable.

[12. "Self deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component that is essential to the operation of the munition.]

[13. "Remote control" means a control by commands from a distance.]

[14. "Anti-handling device" means a device by which a mine will explode when an attempt is made to remove, neutralize or destroy the mine.]

or ["Anti-handling device" means a device to protect a munition against removal.]

Article 3

General restrictions on the use of mines, booby-traps and other devices

1. The Article applies to:

    (a) mines;

    (b) booby-traps; and

    (c) other devices.

2. Each State party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove or destroy them as specified in Article 9 of this Protocol.

3. It is prohibited in all circumstances to use any [mine,] booby-trap or other device which is designed to cause superfluous injury or unnecessary suffering.

4. [All weapons] to which this Article applies shall meet the relevant standards [for armed period, reliability, [detectability,] design and construction] as specified in the Technical Annex.

5. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians.

6. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

(a) which is not on, or directed against, a military objective; or

(b) which employs a method or means of delivery which cannot be directed at a specific military objective; or

(c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

[7. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects cannot be treated as a single military objective.]

8. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

(a) the short and long term effect of landmines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (e.g., fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short and long-term military requirements for a minefield.

9. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

[10. Restrictions and prohibitions in this Protocol shall facilitate the ultimate goal of a complete ban on the production, stockpiling, use and trade of anti-personnel landmines.]

Article 4

Restrictions on the use of anti-personnel mines other than [remotely delivered mines,] [booby-traps] and other devices

1. This Article applies to:

(a) Anti-personnel mines other than [remotely delivered mines];

(b) [booby-traps;] and

(c) other devices.

2. It is prohibited to use weapons to which this Article applies which are not self-destructing, 1/ unless:

(a) they are placed within a perimeter-marked area that is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and

(b) they are cleared before the area is abandoned, unless the area is turned over to the forces of another State that accept responsibility for the maintenance of the protection required by this Article and the subsequent clearance of those weapons.

1/ The chapeau of paragraph 2 will require reconsideration in the light of discussion on, *inter alia*, the Technical Annex and Article 6 *bis*.

3. A party to the conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) above only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If the party of the conflict regains control of the area, it shall resume compliance with the provisions of subparagraphs 2 (a) and 2 (b).

4. If the forces of a party to the conflict gain control of an area in which weapons to which this Article applies have been laid, such forces, shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. States parties shall take all feasible measures to prevent the unauthorized removal, defacement, destruction or concealment, of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. [To facilitate clearance, it is prohibited to use [anti-personnel] mines which are not in compliance with the provisions on detectability in the Technical Annex.]

Article 5

[Restrictions on the use of remotely delivered mines

It is prohibited to use remotely delivered mines which are not self-destructing.]

Article 5 bis

[Prohibitions on the use of [anti-personnel] mines which are not detectable 2/

It is prohibited to use [anti-personnel] mines which are not in compliance with the provisions on detectability in the Technical Annex.]

2/ Acceptance of this proposal would entail:

(a) deletion of the word "detectability" from Article 3, para. 4;

(b) deletion of Article 4, para. 6;

(c) deletion of the square brackets in the Technical Annex around the word "mines" in the chapeau of para. 2, around the word "mine" in para. 2 (a), and around the word "mines" in para. 2 (b).

Article 6

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

(a) internationally recognized protective emblems, signs or signals;

(b) sick, wounded or dead persons;

(c) burial or cremation sites or graves;

(d) medical facilities, medical equipment, medical supplies or medical transportation;

(e) children's toys or other portable objects or products specially designed for feeding, health, hygiene, clothing or education of children;

(f) food or drink;

(g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) objects clearly of a religious nature;

(i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(j) animals or their carcasses.

2. It is prohibited to use booby-traps [and other devices] in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material.

[3. It is prohibited to use booby-traps in armed conflicts not of an international character.]

Article 6 bis 3/

[Prohibition of the use, development, manufacture, stockpiling and transfer of certain mines and booby-traps]

[1. It is prohibited to use, develop, manufacture, stockpile or transfer, directly or indirectly:

- Anti-personnel mines defined in Article 2, [paragraph 3] of this Protocol; and]

- [Anti-personnel mines without self-destruction or self-neutralizing mechanisms]

[- Booby-traps defined in Article 2, [paragraph 4] of this Protocol.

2. The States parties undertake to destroy the weapons to which this article applies and which are in their ownership and/or possession.]

[3. It is prohibited to use [, manufacture, stockpile or transfer] [anti-personnel] mines which cannot be detected, that is, which cannot be identified using widely available equipment such as electro-magnetic mine detectors [as specified in the Technical Annex].

[4. The States parties shall notify the Depositary of all stockpiles of weapons to which this Article applies and undertake to destroy them within a period of .. years. The States shall report annually on the progress made regarding implementation of paragraph 3 of this Article.]

Article 6 ter

[Transfers 4/]

[In order to prevent the use of mines contrary to the purposes of this Protocol, each High Contracting Party:

1. Undertakes not to provide any mines to non-State entities;

3/ The inclusion of the issue of development, manufacture, stockpiling and transfer of mines, booby traps and other devices is not accepted by all delegations.

4/ This article is without prejudice to the position of delegations on the issue of prohibitions or restrictions on the production and stockpiling of certain conventional weapons.

2. Undertakes not to transfer 5/ any mines to States which are not bound by this Protocol;

3. Undertakes not to transfer to any other High Contracting Party any mines the use of which is prohibited in all circumstances;

4. Shall ensure that in transferring to other High Contracting Parties bound by this Protocol any mines the use of which is restricted under this Protocol, the receiving High Contracting Party agrees to comply with the relevant provisions of international humanitarian law.]

Article 7

Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties, who shall without delay after [the cessation of active hostilities] [the effective cessation of hostilities and the meaningful withdrawal of forces from the combat zones]:

(a) Take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of the minefields, mined areas, mines, booby-traps and other devices and,

(b) Make available to the other party or parties to the conflict concerned and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, mines, booby-traps and other devices laid by them in areas no longer under their control.

3. This Article is without prejudice to the provisions of Article 8 of this Protocol.

5/ It is understood that "transfers" involve, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines.

Article 8

[Protection from the effects of minefields; mined areas; mines; booby-traps and other devices

1. When an operation covered by the [Convention on the Safety of United Nations and Associated Personnel] is taking place in any area, each party to the conflict, if requested by the head of the operation, shall make available to the head of the operation all information in the party's possession concerning the location of minefields, mined areas, mines, booby traps and other devices in that area and in order to protect personnel covered by the above-mentioned Convention who are participating in such operations shall, as far as it is able;

(a) remove or render harmless all mines, booby traps or other devices in that area; and

(b) take such measures as may be necessary to protect such personnel from the effects of mines, booby traps and other devices. 6/

6/ The following alternative drafting of paragraph 1 has been suggested:

1. When an operation covered by the Convention on the Safety of United Nations and Associated Personnel is taking place in any area, each party to the conflict, if requested by the head of the operation in order to protect personnel covered by the above-mentioned Convention who are participating in such operations shall, as far as it is able:

(a) make available to the head of the operation all information in the party's possession concerning the location of minefields, mined areas, mines, booby traps and other devices in that area;

(b) remove or render harmless all mines, booby traps or other devices in that area; and

(c) take such measures as may be necessary to protect such personnel from the effects of mines, booby traps and other devices.

Consequential reshuffling of wording and change in numbering in certain subsequent paragraphs may be necessary.

2 (a) When a mission of a [regional arrangement or agency acting under Chapter VIII of the Charter of the United Nations] performs functions in any area with the consent of the parties to a conflict, each party, if requested by the head of that mission, shall make available to the head of that mission all information in the party's possession concerning the location of minefields, mined areas, mines, booby traps and other devices in that area and shall, as far as it is able, provide to the mission and its personnel the protections described in subparagraphs 1 (a) and (b);

[2 (b) When a mission of the International Committee of the Red Cross performs functions assigned to it by the Geneva Conventions of 1949 and their Additional Protocols of 1977, or a humanitarian mission of the United Nations system not otherwise covered by this article performs functions with the consent of the parties to the conflict, each party, if requested by the head of that mission, shall, to the extent feasible, provide to that mission and its personnel the protections described in subparagraphs 1 (a) and (b) and shall, as far as it is able, identify to the head of that mission minefields, mined areas, mines, booby traps and other devices in the area where those functions are being performed [and provide safe access either through the clearance of a lane through minefields or by designating an alternative land route that will permit the accomplishment of these mandated missions].]

2. (c) When the mission of an [impartial humanitarian organization] not otherwise covered by this article, performs functions with the consent of the parties to a conflict, each party, if requested by the head of that mission shall, to the extent feasible, provide to that mission and its personnel the protections described in subparagraphs 1 (a) and (b) and shall, as far as it is able identify to the head of that mission all areas where minefields, mined areas, mines, booby traps and other devices which may impede the performance of those functions are known or believed to be located.

3. When a United Nations fact-finding mission or other fact-finding mission with the consent of the parties, not otherwise covered by this article performs functions in any area, each party to the conflict concerned shall provide protection to that mission except where, because of the size of such mission, it cannot adequately provide such protection. In that case it shall make available to the head of the mission the information in its possession concerning the location of minefields, mined areas, mines, booby-traps and other devices in that area.

[4. Nothing in this Convention shall affect the rights and obligations of United Nations and Associated Personnel as set out in the Convention referred to in paragraph 1 above.]

Article 9

Removal of minefields, mined areas, mines, booby-traps and other devices [and international cooperation]

1. [Without delay] after [the cessation of active hostilities] [the effective cessation of hostilities and the meaningful withdrawal of forces from the combat zone] all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 4 of this Protocol.

(a) Each party bears such responsibility with respect to minefields, mined areas, booby-traps and other devices in areas under its control.

(b) With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the responsible party pursuant to paragraph 1 (a) above, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.

2. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, [or the provision of technical and material assistance,] 7/ including, in appropriate circumstances, undertaking of joint operations, necessary to fulfil such responsibilities.

Article 9 bis

Technological Cooperation and Assistance in Mine Clearance and Implementation of Protocol II

1. Each State party shall undertake to facilitate [and shall have the right to participate in] the [fullest possible] exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. [The States parties shall undertake not to maintain or impose any restrictions on the transfer of equipment or technology for mine clearance.]

7/ Paragraph 2 will be finalized in light of the final text of Article 9 *bis*.

2. Each State party undertakes [to give careful consideration to providing] [to provide] such assistance through the United Nations, international bodies, 8/ or on a bilateral basis.

Mine clearance

3. The States parties shall undertake to provide information concerning various means and technologies of mine clearance to the data bank established within the United Nations system.

[4. The coordinated mine-clearance programme established within the United Nations as per in the UNGA Resolution 48/7 adopted without a vote, shall also, within the resources available to it, and at the request of a State party, provide expert advice and assist the State party in identifying how its programmes for the mine clearance could be implemented.

5. Each State party undertakes to provide assistance through the United Nations coordinated programme and other relevant United Nations bodies and to this end to elect to take one of the following two measures:

(a) to contribute to the voluntary fund for assistance, established by United Nations coordinated programme;

(b) to declare not later than 90 days after the amended protocol II enters into force for it, the kind of assistance it might provide in response to an appeal by the United Nations coordinated programme. If, however, a State party subsequently is unable to provide the assistance envisaged in its declaration it is still under the obligation to provide assistance in accordance with this paragraph.]

6. Requests by States parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests [may be provided] to the Depositary, which shall transmit them to all States parties and relevant international organizations. [Subsequently after the receipt of the request an [investigation] [assessment by the United Nations coordinated programme] [shall] [may] be initiated in order to provide foundation for further action.] The Depositary shall [, as appropriate,] provide a report to States parties on the facts relevant to these requests, as well as the type and scope of assistance that may be needed.

8/ The issue of a possible decision-making or a consultative mechanism will be further considered.

Implementation of Protocol II

7. The States parties shall undertake to provide information [to the Depositary] [to the Commission] concerning the implementation of this Protocol, including meeting the requirements for self-destructing and other features, as specified in this Protocol.

[8. Upon receiving the request from the State party for any technical assistance, [the Depositary] [the Commission] will render this assistance free of cost.

It will employ all possible means at its disposal to ensure:

(a) Transfer of technology from advanced nations to the developing countries for acquisition on no cost basis;

(b) Allocate requisite funds for the assistance through United Nations coordinated programme.]

Technical Annex

1. Recording

(a) The recording of the location of mines other than [remotely delivered mines,] minefields, mined areas, [areas of] booby-traps and other devices shall be done in accordance with the following:

(i) The location of the minefields, [mined areas], [areas of] booby-traps and other devices shall be specified accurately by relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these devices in relation to those reference points.

(ii) Maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, [booby-traps] and other devices in relation to reference points, these records shall also indicate their perimeters and extent.

(iii) For purposes of detection and clearance of mines, [booby-traps] and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date [and time] of laying and other relevant information of all the munitions laid. Whenever feasible the minefield record shall show the exact location of every mine; except in row minefields where the row location is sufficient.

(b) The estimated location and area of remotely delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date [and time] of laying and the self destruction time periods shall also be recorded.

(c) Copies of records are to be held at a level of command sufficient to guarantee their safety [as far as possible].

2. Detectability of [anti-personnel] [mines]

(a) [A sufficient quantity of not easily removable material or any appropriate device, incorporating detectability equivalent to 8 grams of iron in a single coherent mass, to enable detection by commonly available technical detection equipment shall be placed in or on every [anti-personnel] [mine] emplaced.]

(b) [All [anti-personnel][mines] shall have irremovable metallic elements in their construction to enable detection and [clearance by standard mine-sensing devices].]

[(c) No [anti-personnel] [mines], [booby-traps] and other devices may be designed such that they will detonate by the operation of standard mine-sensing devices.]

3. Specifications for self-destructing anti-personnel mines

Anti-personnel mines required by Article 4, paragraph 2 and Article 5 of this Protocol to be self-destructing shall be designed and constructed so that no more than [1 in every 1,000] activated will fail to self-destruct [after no more than 7-90 days]; 1/ [and they shall have a [back-up feature] [self-deactivation feature], designed and constructed so that the mine will no longer function as a mine [30-365 days, with a reliability of 1 in every 1,000 surviving mines] [as soon as feasible] if the self-destruction mechanism fails.]

4. International signs for minefields and mined areas

Signs similar to the example in Annex A shall be utilized in the marking of minefields and mined areas. Each sign [shall] [should] meet the following criteria to ensure its visibility and recognition by the civilian population:

1/ The self-destructing time needs to be further discussed in relation to the time of laying/time of activation.

(a) Size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square;

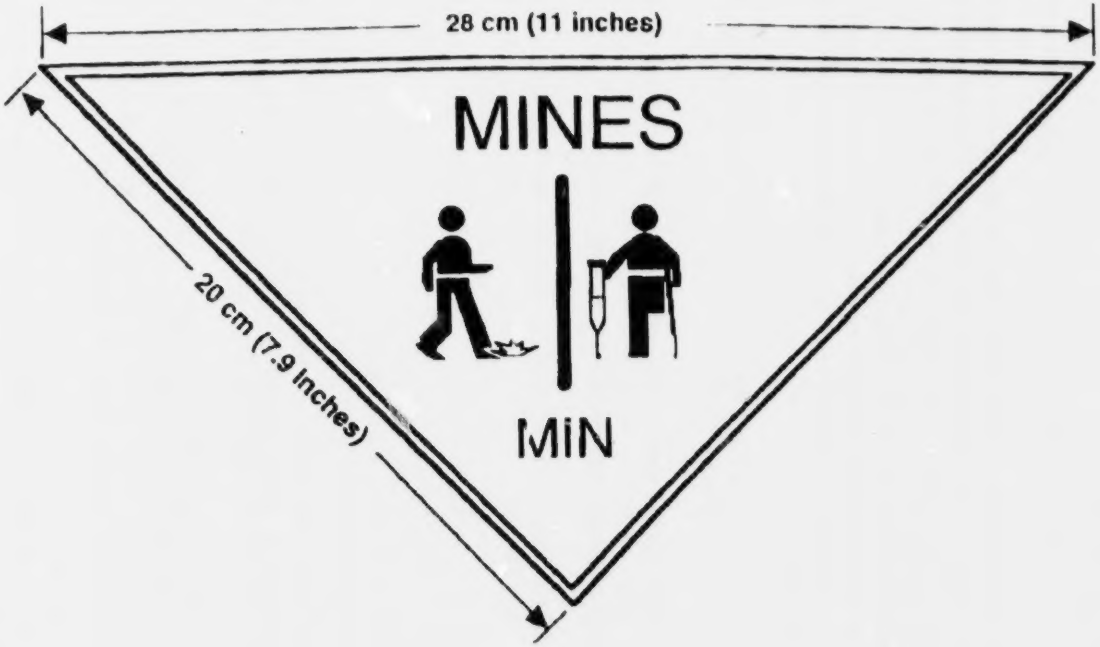
(b) Colour: red or orange with a yellow reflecting border;

(c) Symbol: the symbol illustrated in Annex A, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area;

(d) Language: the sign should contain the word "mines" in one of th six official languages of this Convention (Arabic, Chinese, English, French Russian and Spanish) and the language(s) prevalent in that area;

(e) Spacing: signs should be placed around the minefield or a mine area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.

Warning Sign for Areas Containing Mines


28 cm (11 inches)
MINES
MIN
20 cm (7.9 Inches)

APPENDIX I

Proposals relating to verification and compliance 1/

ALTERNATIVE A: 2/ 3/ 4/

[Commission of States parties

1. For the purposes of this Protocol, a Commission shall be established by the States parties. The Commission of States parties shall meet in Geneva regularly. Any State party may appoint a representative to the Commission. The ICRC shall be invited to participate in the work of the Commission as an observer. The Commission shall consider annual reports provided by the State parties on the implementation of the Protocol. The Commission shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting.

2. Each State party undertakes to provide annually the relevant informatio to the Commission, i.e.

(a) Progress on implementation of the Protocol II;

(b) Information on mine clearance;

(c) Information on civilian casualties occurring due to deployment of mines in its territory.

1/ Several delegations expressed the view that, whilst not agreeing to every provision of each proposal, the three alternatives A, B and C, were not exclusive but complementary to each other.

2/ Some delegations consider that elements of this text may be more appropriately addressed through amendment of the Convention, rather than of Protocol II. Further, this text is without prejudice to proposals for more frequent meetings of the Review Conference than currently provided for in the Convention.

3/ The concept of a "Commission" proposed has not been accepted by a group of States.

4/ A group of delegations considers that the concept of a "Commission" relates to and complements alternatives B and C.

3. Each State party undertakes to provide/exchange information with other States parties to promote transparency and credibility for wider adherence to this Protocol requirements/restrictions.

[4. Each State party to this Protocol undertakes to facilitate the fullest possible exchange of technological information in order to assist States parties to comply with restrictions/requirements of this Protocol.]

5. The Commission shall also carry out other functions as are necessary for the implementation and review of this Protocol.

6. The costs of the Commission's activities shall be covered by the States parties in accordance with the United Nations scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of States parties.]

ALTERNATIVE B: 5/

[Article 10 Compliance Monitoring

1. Each State party undertakes to protect civilians from the effects of the use of landmines and for that purpose undertakes to take necessary measures to prohibit and prevent the indiscriminate use of landmines. The measures shall include:

(a) legislation, if necessary;

(b) education of military personnel concerned on the relevant provisions of this Protocol;

(c) dissemination to the civilian population of the information on possible effects of landmines and on signs used for minefields and mined areas;

(d) appropriate measures to meet the technical requirements set out in this Protocol;

(e) measures to facilitate the exchange of technical information with other States parties on mine clearance and on the activities it conducted for the purpose of paragraph (d) in this Article;

5/ Alternative B has been presented as an alternative text to alternatives A and C and is, according to several delegations, the most appropriate. It is not complementary to any other proposal.

2. Each State party affirms the recognized objective of prohibiting and preventing the indiscriminate use of landmines and to this end undertakes to provide annual report to the Depositary. The report shall contain the following:

(a) the relevant legislation;

(b) any measures it has taken to educate the military personnel and to disseminate the relative information for the purpose of this Protocol;

(c) any measure it has taken to meet the technical requirements set out in this Protocol;

(d) information on recovery, destruction or clearance after military use of landmines;

(e) information on casualty to civilian population occurred due to use of such mines in its territory and measures it has taken to redress the situation;

(f) measures it has taken on international technical information exchange and on international cooperation on mine clearance;

3. The Depositary shall distribute the above-mentioned report, upon request, to any other State party.]

ALTERNATIVE C: 6/ 7/

[Article 10

Verification Commission

1. Each State party shall be entitled to ask the Depositary to convene a Verification Commission, within a period of one week, to conduct an inquiry in order to clarify and resolve any questions relating to possible non-compliance with the provisions of this Protocol concerning the use of mines, booby-traps and other devices. The request for an inquiry shall be accompanied by relevant information and evidence confirming its validity.

6/ The concept of verification for this Protocol is not accepted by a group of countries.

7/ One delegation submitted in document CCW/CONF.I/GE/CRP.47 proposals elaborating on this text, which could be developed further.

2. (a) The Verification Commission, which shall meet in New York, shall be open to the participation of all States parties. Subject to the provisions of both paragraph 3 of this article and paragraph 1 of Article 11, the Verification Commission shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting.

(b) The costs of the Verification Commission's activity shall be covered by the States parties in accordance with the United Nations scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of States parties.

3. (a) An inquiry shall be held unless the Verification Commission decides, not later than 48 hours after it has been convened, with a two thirds majority of its members present and voting that the information and evidence produced does not justify an inquiry.

(b) For the purposes of the inquiry the Verification Commission shall seek useful assistance and relevant information from States parties and international organizations concerned and from any other appropriate sources.

Article 11

Fact-finding missions

1. The inquiry shall be supplemented by evidence collected on the spot or in other places under the jurisdiction or control of the party to the conflict concerned unless the Verification Commission decides with a two thirds majority of its members present and voting that no such evidence is required. The Verification Commission shall notify the party to a conflict concerned of the decision to send a team of experts to conduct a fact-finding mission at least 24 hours before the team of experts is expected to arrive. It shall inform all States parties of the decision taken as soon as possible.

2. For the purposes of paragraph 1 of this article, the Depositary shall prepare a list of qualified experts provided by States parties, and constantly keep this list updated. The experts shall be designated in view of the particular fields of expertise that could be required in a fact-finding mission concerning the alleged use of mines, booby-traps and other devices. The initial list as well as any subsequent change to it shall be communicated, in writing, to each State party without delay. Any qualified expert included in this list shall be regarded as designated unless the State party, not later than 30 days after its receipt of the list declares its non-acceptance, in which event the Verification Commission shall decide whether the expert in question shall be designated.

3. Upon receiving a request from the Verification Commission, the Depositary shall appoint a team of experts from the list of qualified experts, acting in their personal capacity, to conduct a fact-finding mission at the site of the alleged incident. Experts who are nationals of States parties involved in the armed conflict concerned or of States parties which requested the inquiry shall not be chosen. The Depositary shall dispatch the team of experts at the earliest opportunity taking into account the safety of the team.

4. The party to a conflict concerned shall make the necessary arrangements to receive, transport and accommodate the team of experts in any place under its jurisdiction or control.

5. When the team of experts has arrived on the spot, it may hear a statement of information by official representatives of the party to a conflict concerned and may question any person likely to be connected with th alleged violation. The team of experts shall have the right of access to all areas and installations where evidence of violation of this Protocol could be collected. The party to a conflict concerned may make any arrangements it considers necessary for the protection of sensitive equipment, information an areas unconnected with the subject of the fact-finding mission, or for any constitutional obligations it may have with regard to proprietary rights, searches and seizures, or other constitutional protection or for the protection of the conduct of military operations. In that event, it shall make every reasonable effort to satisfy the legitimate needs of the team of experts through other means.

6. After having completed its fact-finding mission, the team of experts shall submit a report to the Depositary not later than one week after leaving the territory of the State party in question. The report shall summarize the factual findings of the mission related to the alleged non-compliance with th Protocol. The Depositary shall promptly transmit the report of the team of experts to all States parties.

Article 12

Compliance

1. The States parties undertake to consult each other and to cooperate wit each other in order to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

2. If the Verification Commission concludes, based on the inquiry, including any report of the team of experts referred to in Article 11, paragraph 6, that there has been a violation of the provisions of this Protocol on the use of mines, booby-traps and other devices, the Verification Commission shall, as appropriate, request that the party responsible for the violation take appropriate measures to remedy the situation.

3. If weapons covered by this Protocol have been used in violation of its provisions, the States parties shall consider measures designed to encourage compliance, including collective measures in conformity with international law, and may, in accordance with the United Nations Charter, refer the issue to the attention of the Security Council.

4. The provisions of the 1949 Geneva Conventions relating to measures for the repression of breaches and grave breaches shall apply to breaches and grave breaches of this Protocol during armed conflict. Each party to a conflict shall take all appropriate measures to prevent and suppress breaches of this Protocol. Any act or omission occurring during armed conflict in violation of this Protocol, if committed wilfully or wantonly and causing death or serious injury to the civilian population shall be treated as a grave breach. A party to the conflict which violates the provisions of this Protocol shall, if the case demands, be liable to pay compensation, and shall be responsible for all acts committed by persons forming part of its armed forces. States parties and parties to a conflict shall require that commanders ensure that members of the armed forces under their command are aware of, and comply with, their obligations under this Protocol.]

APPENDIX II

Other Proposals 1/

RUSSIAN FEDERATION

[Article 5 of the Convention

Entry into Force

1. This Convention shall enter into force three months after the date of deposit of the sixth instrument of ratification, acceptance, approval or accession.

Paragraphs 2, 3 and 4 of this Article to be modified in accordance with the amendments to paragraph 1.]

[Article 9

(a) New paragraphs. Denunciation

1. Any High Contracting Party may, by so notifying the Depositary, denounce this Convention or any of the annexed Protocols upon the expiry of 10 years since the date on which the Convention and any of its Protocols came into force. Such denunciation shall take effect one year after the date on which it is registered.

2. Any High Contracting Party which ratifies this Convention and any of its annexed Protocols and does not, within the year following the expiry of the 10-year period mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article, shall be bound for a further 10-year period and may thereafter denounce this Convention or any of its annexed Protocols upon the expiry of each 10-year period under the terms of this article.

(b) The first sentence of the existing paragraph 2 to be deleted.]

1/ The proposals in Appendix II require further consideration.

NEW ZEALAND, IRELAND, AUSTRALIA AND SWEDEN

[Article 8 of the Convention 2/

Article 8 (3 (c) of the Convention signals a need to consider at the first Review Conference the question of periodicity of review meetings. This issue could be addressed either through a decision of the Conference or an amendment to the Convention.]

2/ The proposal on Article 8 is further elaborated in CCW/CONF.I/GE/CRP.55.

ANNEX II

Annex II contains a proposal on a new protocol on blinding weapons submitted by the Chairman of the Governmental Group of Experts and widely consulted and discussed in the Group. The text does not, at the present stage, commit any delegation. It is forwarded to the Review Conference for its consideration.

Informal Working Paper submitted by the Chairman

Protocol on Blinding Weapons (Protocol IV)

Article 1

It is prohibited to employ laser beams of a nature to cause permanent blindness [serious damage] against the eyesight of persons as a method of warfare.

Article 2

It is prohibited to [produce and] employ laser weapons primarily designed to blind [permanently].

Article 3

Blinding as an incidental or collateral effect of the legitimate employment of laser beams on the battlefield is not covered by this prohibition.

ANNEX III

First Review Conference of the States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects

DRAFT RULES OF PROCEDURE

CHAPTER I

REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

1. Each State party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (hereinafter "the Convention") may be represented at the Review Conference. States non-parties to the Convention may participate as observers.

2. The delegation of each State participating in the Conference shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Designated representatives

Rule 2

An alternative representative or an adviser may act as a representative upon designation by the head of delegation.

Submission of credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not later than 24 hours after the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Secretary-General of the Conference. The credentials shall be issued by the Head of State or Government, or by the Minister for Foreign Affairs.

Credentials Committee

Rule 4

1. There shall be a Credentials Committee of five members elected by the Conference on the proposal of the President.

2. The Credentials Committee shall examine the credentials of representatives and report to the Conference.

Provisional participation

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

CHAPTER II

OFFICERS

Elections

Rule 6

The Conference shall elect from among the States parties participating in the Conference a President, nine Vice-Presidents as well as the Chairman and a Vice-Chairman for each of the three main committees, the Drafting Committee and the Credentials Committee. These officers shall be elected so as to ensure the representative character of the General Committee provided for in rule 10.

Acting President

Rule 7

1. If the President finds it necessary to be absent from a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 8

If the President is unable to perform his functions, a new President shall be elected.

Participation of the President in decision-making

Rule 9

The President, or a Vice-President acting as President, shall not participate in making decisions, but may designate another member of his delegation to do so in his place.

CHAPTER III

GENERAL COMMITTEE

Composition

Rule 10

The General Committee shall be composed of the President, who shall preside, nine Vice-Presidents, the Chairmen of the three main Committees, the Drafting Committee and the Credentials Committee.

Substitute members

Rule 11

1. In case of absence, the President or a Vice-President, may designate a member of his delegation as his substitute.

2. In case of absence, the Chairmen and the Vice-Chairmen of the three main Committees or of the Drafting Committee or of the Credentials Committee shall designate another officer of the respective Committee or, if none is available, a member thereof as his substitute. However, such a substitute shall not have the right to participate in making decisions if he is of the same delegation as another member of the General Committee.

Chairman

Rule 12

The President or, in his absence, one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee.

Functions

Rule 13

In addition to carrying out other functions provided for in these ru the General Committee shall assist the President in the general conduct of business of the Conference and, subject to decisions of the Conference, sh ensure the coordination of its work.

CHAPTER IV

SECRETARIAT

Duties of the Secretary-General

Rule 14

1. There shall be a Secretary-General of the Conference. He shall act that capacity in all meetings of the Conference, its Committees and workin groups, and may designate a member of the Secretariat to act in his place these meetings.

2. The Secretary-General of the Conference shall direct the staff requ by the Conference and its subsidiary organs.

Duties of the secretariat

Rule 15

The secretariat of the Conference shall, in accordance with these r

(a) Interpret speeches made at meetings;

(b) Receive, translate, reproduce and distribute the documents of Conference;

(c) Publish and circulate the instruments adopted by the Conferen including its Final Document, and all the official documents of the Conference;

(d) Prepare and circulate summary records of plenary meetings;

(e) Make and arrange for the keeping of sound recordings of meeti

(f) Arrange for the custody and preservation of the records of the Conference in the Archives of the United Nations; and

(g) Generally perform all other work required in connection with the servicing of the Conference.

Costs

Rule 16

The costs of the Review Conference will be met by the States parties to the Convention participating in the Review Conference in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States parties in the Conference. States which are not States parties to the Convention and which accept the invitation to take part in the Review Conference will share in the costs to the extent of their respective rates of assessment under the United Nations scale.

Statements by the secretariat

Rule 17

The Secretary-General or any member of the secretariat designated for that purpose may, subject to rule 20, make either oral or written statements concerning any question under consideration.

CHAPTER V

CONDUCT OF BUSINESS

Quorum

Rule 18

A majority of the States parties to the Convention participating in the Conference shall constitute a quorum.

General powers of the President

Rule 19

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each such meeting, direct the

discussions, accord the right to speak, put questions to the Conference fo decision and announce such decisions. He shall rule on points of order ar subject to these rules, have complete control of the proceedings and over maintenance of order thereat. The President may propose to the Conference closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representatives of each participar may speak on a question, the adjournment or closure of the debate, and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Conference.

Points of order

Rule 20

A representative may at any time raise a point of order, which shal decided upon immediately by the President in accordance with these rules. representative may appeal against the ruling of the President. The appea shall be put to the Conference for decision immediately, and the Presiden ruling shall stand unless overruled by the Conference. A representative not, in raising a point of order, speak on the substance of the matter un discussion.

Speeches

Rule 21

1. No one may address the Conference without having previously obtaine permission of the President, who shall, subject to rules 19 and 20 and 22 to 26, call upon speakers in the order in which they signify their des to speak.

2. Debate shall be confined to the question before the Conference and President may call a speaker to order if his remarks are not relevant to subject under discussion.

3. The Conference may limit the time allowed to speakers and the numbe times the representatives of each participant may speak on a question; a motion to set such limit shall be put to the Conference for decision immediately. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is li and a speaker exceeds the allotted time, the President shall call him to without delay.

Precedence

Rule 22

The Chairman or another representative of a subsidiary organ may be accorded precedence for the purpose of explaining the conclusions arrived at by that organ.

Closing of the list of speakers

Rule 23

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When there are no more speakers on the list, the President may declare the debate closed.

Rights of reply

Rule 24

The right of reply shall be accorded by the President to a representative of a State participating in the Conference who requests it; any other representative may be granted the opportunity to make a reply. Representatives should attempt, in exercising this right, to be as brief as possible and preferably to deliver their statements at the end of the meeting at which this right is requested.

Suspension or adjournment of the meeting

Rule 25

A representative may at any time move the suspension or the adjournment of the meeting. Such motions shall not be debated but shall be put to the Conference for decision immediately.

Adjournment of debate

Rule 26

A representative may at any time move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of and two against the motion, after which it shall be put to the Conference for decision immediately.

Closure of debate

Rule 27

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified a wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be put to the Conference for decision immediately.

Order of motions

Rule 28

Subject to rule 19, the following motions shall have precedence in the indicated order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate;

(d) To close the debate.

Basic proposals

Rule 29

The draft proposals submitted to the Conference by the Group of Governmental Experts to Prepare the Review Conference of the States Parties the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects [1] shall constitute the basic proposals for consideration by the Conference.

Submission of other proposals and substantive amendments

Rule 30

Other proposals and substantive amendments shall normally be introduc in writing and handed to the Secretary-General of the Conference, who shall circulate copies to all delegations in the languages of the Conference. As general rule, no proposal shall be discussed or put to a decision unless copies of it have been circulated to all delegations in their respective working languages not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or motions as to procedure, even though these amendments and motions have not been circulated or have only been circulated the same day.

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[1] CCW/CONF.I/GE/...

Withdrawal of proposals and motions

Rule 31

A proposal or motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 32

Any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal submitted to it shall be decided before the matter is discussed or a decision is taken on the proposal in question.

Reconsideration

Rule 33

When a proposal or motion has been adopted or rejected it may not be reconsidered unless the Conference takes a decision to that effect. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the matter shall be put to the Conference for decision immediately.

CHAPTER VI

DECISION-MAKING

Adoption of decisions

Rule 34

The Conference shall conduct its work and take decisions in accordance with Article 8 of the Convention.

CHAPTER VII

SUBSIDIARY ORGANS

Main Committees

Rule 35

There shall be three Main Committees, which shall receive their assignments from the Conference and report to it.

Drafting Committee

Rule 36

1. There shall be a Drafting Committee composed of representatives of the same States which are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conferen or by a Main Committee, without altering the substance of the texts, and report to the Conference or to the Main Committee as appropriate. It shall also, without reopening the substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee.

2. Representatives of other States may also attend the meetings of the drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

Working groups

Rule 37

The Conference and the Main Committees may establish working groups.

Officers

Rule 38

Each subsidiary organ shall have a chairman, a vice-chairman and such other officers as it considers necessary.

Applicable rules

Rule 39

The rules contained in Chapters II, V and VII shall be applicable, *mutatis mutandis*, to the proceedings of subsidiary organs, except that:

(a) The chairman of subsidiary organs may participate in making decisions;

(b) A majority of the representatives on any subsidiary organ of limited membership shall constitute a quorum.

CHAPTER VIII

LANGUAGES AND RECORDS

Languages of the Conference

Rule 40

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Conference.

Interpretation

Rule 41

1. Speeches made in a language of the Conference shall be interpreted into the other such languages.

2. A representative may speak in a language other than a language of the Conference if he provides for interpretation into one such language. Interpretation into the other such languages by interpreters of the secretariat may be based on the interpretation given in the first such language.

Languages of official documents

Rule 42

Official documents and all instruments adopted by the Conference, including its Final Document, shall be made available in the languages of the Conference.

Records and sound recordings of meetings

Rule 43

1. Summary records of the plenary meetings of the Conference shall be prepared and circulated as soon as possible in all the languages of the Conference, to all representatives, who shall inform the secretariat, withi five working days after such circulation, of any corrections they wish to h made.

2. The secretariat shall make sound recordings of meetings of the Conference and of the Main Committees. Such recordings shall be made of meetings of other subsidiary organs when the body concerned or the organ th established it so decides.

CHAPTER IX

PUBLIC AND PRIVATE MEETINGS

Plenary and committees

Rule 44

The plenary meetings of the Conference and the meetings of the Main Committees shall be held in public unless the body concerned decides otherwise, for instance for the negotiation of proposals.

Working groups

Rule 45

As a general rule, meetings of other committees and working groups s be held in private.

CHAPTER X

OTHER PARTICIPANTS AND OBSERVERS

Representatives of Organizations which have been granted observer status in the United Nations

Rule 46

Representatives designated by any Organization having been granted observer status in the United Nations by a resolution of the General Assem may participate as observer in the deliberations of the Conference and in subsidiary organs.

Representatives of United Nations organs, of related agencies and of other intergovernmental organizations

Rule 47

Representatives designated by organs of the United Nations, by specialized or other related agencies and by other intergovernmental organizations invited to the Conference may participate as observers in its deliberations and in its subsidiary organs.

International Committee of the Red Cross

Rule 48

Representatives designated by the International Committee of the Red Cross may participate as observers in the deliberations of the Conference and in its subsidiary organs in order, in particular, that the Conference may avail itself of the relevant expertise of the International Committee of the Red Cross.

Representatives of non-governmental organizations

Rule 49

1. Non-governmental organizations may designate representatives to attend public meetings of the Conference and its Main Committees and to make available written contributions on matters on which they have a special competence, at their own cost. They will also be entitled upon request to receive the documents of the Conference.

2. Upon the invitation of the presiding officer of the plenary and subject to the approval of that body, representatives of such organizations may make oral statements on questions in which they have a special competence in plenary meetings.

Written statements

Rule 50

Written statements submitted by the designated representatives referred to in rules 45 to 47 shall be distributed by the secretariat to all delegations in the quantities and in the languages in which the statements are made available to the secretariat for distribution.

CHAPTER XI

AMENDMENT OR SUSPENSION OF THE RULES OF PROCEDURE

Method of amendment

Rule 51

These rules may be amended by a decision of the Conference upon recommendation of the General Committee.

Method of suspension

Rule 52

These rules may be suspended by a decision of the Conference, provi that 24 hours notice of the motion for suspension has been given, which ma waived if no representative objects; subsidiary organs may, by their own decisions, waive rules pertaining to them. Any suspension shall be limite a specific and stated purpose and to the period required to achieve it.

ANNEX IV

Draft Provisional Agenda for the Review Conference

1. Opening of the Conference by the Chairman of the Group of Governmental Experts to Prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
2. Submission of the final report of the Group of Governmental Experts
3. Election of the President
4. Adoption of the Agenda
5. Adoption of the Rules of Procedure
6. Confirmation of the nomination of the Secretary-General of the Conference
7. Election of Vice Presidents of the Review Conference, Chairmen and Vice-Chairmen of the Drafting Committee, the Credentials Committee and the Main Committees
8. Message from the Secretary-General of the United Nations
9. Adoption of arrangements for meeting the costs of the Conference
10. Appointment of the Credentials Committee
11. Organization of work including that of the subsidiary bodies of the Conference
12. General exchange of views (Plenary)
13. Review of the scope and operation of the Convention and its annexed Protocols
14. Consideration of any proposal for the Convention and its existing Protocols

15. Consideration of proposals for additional Protocols to the Convention

16. Report of the Credentials Committee

17. Report of the Main Committees

18. Report of the Drafting Committee

19. Consideration and adoption of the final document(s)

20. Other matters

ANNEX V

Progress Reports of the previous sessions

(i) First session - 28 February to 9 March 1994: (CCW/CONF.I/GE/4 and Corr.1)

(ii) Second session - 16 to 27 May 1994: (CCW/CONF.I/GE/8)

(iii) Third session - 8 to 19 August 1994: (CCW/CONF.I/GE/21)

GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/GE/4
8 March 1994

Original: ENGLISH

First session
Geneva, 28 February-4 March 1994

PROGRESS REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

1. The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, under Article 8, 3 (a), reads, *inter alia*, as follows:

> "If, after a period of ten years following the entry into force of this Convention, no conference has been convened in accordance with subparagraph 1 (a) or 2 (a) of this Article, any High Contracting Party may request the Depositary to convene a conference to which all High Contracting Parties shall be invited to review the scope and operation of this Convention and the Protocols annexed thereto and to consider any proposal for amendments of this Convention or of the existing Protocols. States not parties to this Convention shall be invited as observers to the conference. The conference may agree upon amendments which shall be adopted and enter into force in accordance with subparagraph 1 (b) above."

2. On 16 December 1993, the General Assembly adopted resolution 48/79 which, *inter alia*, read as follows:

> "5. *Welcomes* the request to the Secretary-General to convene at an appropriate time, if possible in 1994, in accordance with article 8, paragraph 3, of the Convention, a conference to review the Convention;
>
> 6. *Encourages* the States parties to request the Secretary-General to establish as soon as possible a group of governmental experts to prepare the review conference and to furnish needed assistance and assure service, including the preparation of analytical reports that the review conference and the group of experts might need;

> 7. Calls upon the maximum number of States to attend the conference, to which the States parties may invite interested non-governmental organizations, in particular the International Committee of the Red Cross."

3. On 22 December 1993, States parties to the Convention submitted a lette to the Secretary-General of the United Nations, which reads as follows:

> "Pursuant to article 8, paragraph 3 (a) of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, concluded in Geneva on 10 October 1980, the French government, by letter dated 9 February 1993, requested that at the earliest possible date, as from 2 December 1993, you, in your capacity of depositary of the Convention, convene a conference of the High Contracting Parties to review the provisions of the Convention.
>
> With a view to facilitating preparations for this Conference, th States Parties to the Convention have the honour to request that you establish a group of experts. This group, which would meet firstly in Geneva early in 1994, at a date to be determined, would comprise governmental experts appointed by the States Parties to the Convention Governmental experts designated by States non Parties to the Conventio and representatives of the International Committee of the Red Cross could participate in the work of the group as observers. This group of governmental experts would decide whether representatives of other competent non-governmental organizations or competent individuals shou participate as well.
>
> The group of governmental experts will have to establish its rul of procedure, its agenda, its financial arrangements and its programme of work. As a matter of priority, it will have to prepare concrete proposals for amendments to Protocol II on Prohibitions or Restrictio on the Use of Mines, Booby-Traps and Other Devices for the purpose of:
>
> - strengthening restrictions on the use of anti-personnel mines and, in particular, those without neutralizing or self-destruction mechanisms;
>
> - considering the establishment of a verification system fo the provisions of this Protocol;
>
> - studying opportunities for broadening the scope of this Protocol to cover armed conflicts that are not of an international character.

Once the group of governmental experts have made significant progress in their efforts to amend Protocol II, the group also could consider any other proposal relating to the Convention and its existing or future Protocol.

In the light of the progress in its work, in particular with regard to Protocol II, the group of experts should:

- recommend, in conjunction with you, the dates and venue of the conference to review the Convention and its Protocols; and

- determine, in consultation with you, how the Review Conference will be organized and financed.

The group of experts should report to the States Parties before the end of 1994 on the results of its work on amendments to Protocol II of the Convention."

4. Following consultations among States parties, it was initially agreed that the Group of Governmental Experts to Prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects would hold three sessions at the United Nations Office at Geneva.

5. The Group of Governmental Experts held its first session at the Palais des Nations, Geneva, from 28 February to 4 March 1994. The following States parties to the Convention participated in the Group: Australia, Austria, Benin, Bulgaria, China, Croatia, Cuba, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, India, Japan, Mexico, Netherlands, Norway, Poland, Russian Federation, Slovakia, Sweden, Switzerland, Tunisia and Ukraine. The following States non-parties to the Convention also participated in the work of the Group as observers: Argentina, Belgium, Canada, Chile, Colombia, Egypt, Ethiopia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Jordan, Malaysia*, New Zealand, Oman, Peru, Portugal, Spain, Sri Lanka, Syria, Turkey, United Kingdom and the United States of America.

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* At the fifth meeting of the Group of Experts, on 3 March 1994, the representative of Malaysia announced that Malaysia was withdrawing its participation from the work of the Group.

In view of his statement and since Malaysia withdrew before a decision on the financial arrangements was reached, Malaysia would not be requested to bear any costs.

The International Committee of the Red Cross also took part in the work of the Group, pursuant to the invitation issued by the Secretary-General of the United Nations.

6. On behalf of the Secretary-General of the United Nations, Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs, Department of Political Affairs, opened the session of the Group of Governmental Experts and made a statement. Mr. Kheradi also served as Secretary of the Group.

7. At its first meeting, on 28 February 1994, the Group of Experts elected, by acclamation, Mr. Johan Molander of Sweden as Chairman, with the understanding that in his absence Ambassador Lars Norberg of Sweden would act as Chairman at the first session of the Group. When assuming his Chairmanship, the Chairman made a remark on the non-participation of the Federal Republic of Yugoslavia (Serbia-Montenegro).

8. At its third meeting, on 1 March, the Group elected Mr. C. Narain of India and Mr. Peter Poptchev of Bulgaria as Vice-Chairmen.

9. The Group of Experts, at its first meeting on 28 February, adopted its agenda, which will serve the Group during all its sessions, and which reads as follows:

1. Opening of the session
2. Election of the Chairman and other officers
3. Adoption of the Agenda
4. Method of decision-making
5. Consideration of financial arrangements for the Group of Experts
6. Question of participation
7. Organization of work of the Group of Experts
    - (a) Future sessions, calendar of meetings and programme of work
    - (b) Consideration and adoption of progress reports
8. Background documentation
9. General exchange of views

10. Consideration of proposals for and preparation of amendments to Protocol II of the Convention and the adoption of the report of the Group of Experts for submission to the States Parties

11. Consideration of other proposals relating to the Convention and its existing or future Protocol

12. Consideration of organizational matters for the Review Conference

    (a) Date and duration

    (b) Draft rules of procedure

    (c) Provisional agenda

    (d) Composition of the General Committee

    (e) Financial arrangements

    (f) Establishment of subsidiary bodies

    (g) Participation

    (h) Background documentation

    (i) Final document(s)

    (j) Appointment of a provisional Secretary-General of the Conference

13. Adoption of the final report of the Group of Experts to the Review Conference

14. Other business

10. The Group of Experts decided to take its decisions by consensus. Only experts from States parties to the Convention would participate in decision-making.

11. During the course of its session, the Group of Experts considered the question of financial arrangements for the Group and, in this regard, accepted the estimated costs for the three scheduled sessions as contained in document CCW/CONF.I/GE/2. As a result of intensive consultations among the States parties, the Group decided that the costs of the Group of Experts will be met by the States Parties to the Convention participating in the Group of Experts on the basis of their assessments to the United Nations Regular Budget prorated to take into account the number of States participating in the Group of Experts. States non-parties which take part in the Group of Experts will share the costs to the extent of their respective rates of assessment under the United Nations scale.

12. The Group of Experts also considered the question of participation, including that of the United Nations agencies, specialized and other agencies, non-governmental organizations and competent individuals in the work of the Group, without reaching a conclusion at this session.

13. With regard to its organization of work, the Group decided to hold its second session from 16 to 27 May and the third session from 8 to 19 August 1994, in Geneva. The Group also decided to consider the possibility of holding a fourth session during 1995 in Geneva, with the date and duration to be determined. The Group further agreed to have a progress report prepared at the conclusion of each session, so that decisions or recommendations on organizational matters, as well as recommendations on substantive issues could be properly recorded.

14. At its fifth meeting, on 3 March, the Group considered the question of background documentation and decided that the following background documents should be prepared:

(1) Summary of negotiations leading to the conclusion of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and of subsequent developments related to the Convention, which would be prepared by the Secretariat;

(2) The rationale for amending and the ways and means of improving Protocol II of the Convention, as well as the military and humanitarian perspectives concerning the amendment of Protocol II of the Convention, which would be prepared by the International Committee of the Red Cross;

(3) The rationale for considering other proposals relating to the Convention and its existing or future Protocol, which would be prepared by the International Committee of the Red Cross.

In that connection, it was further decided that those documents would be issued as official documents of the Group of Experts.

15. The Group of Experts held a general exchange of views at its sixth meeting on 3 March 1994.

16. At its eighth meeting, on 4 March 1994, the Group of Experts adopted its progress report for the first session, as contained in document CCW/CONF.I/GE/CRP.1/Rev.1, as orally amended, which is being issued as document CCW/CONF.I/GE/4.

GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/GE/4/Corr.1
9 August 1994

Original: ENGLISH

First session
Geneva, 28 February-4 March 1994

PROGRESS REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Corrigendum

On page 3, paragraph 5, line 10, delete the word "Egypt,".

GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/GE/8
27 May 1994

Original: ENGLISH

Second session
Geneva, 16-27 May 1994

PROGRESS REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

1. The Group of Governmental Experts to Prepare the Review Conference on the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, held its second session at the Palais des Nations, Geneva, from 16 to 27 May 1994 in accordance with the decision taken at its first session. The Group held 18 meetings during that period under the Chairmanship of Mr. Johan Molander of Sweden. Mr. C. Narain of India and Mr. Peter Poptchev of Bulgaria continued to serve as Vice-Chairmen of the Group. Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs, Department of Political Affairs, continued to serve as Secretary of the Group.

2. At the second session of the Group of Governmental Experts, the following States Parties to the Convention participated in the Group: Australia, Austria, Bulgaria, China, Croatia, Cuba, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, India, Japan, Mexico, Netherlands, New Zealand, Norway, Pakistan, Poland, Russian Federation, Slovakia, Sweden, Switzerland and Ukraine. The following States non-parties to the Convention also participated in the work of the Group as observers: Afghanistan, Argentina, Belgium, Canada, Chile, Colombia, Ethiopia, Iran (Islamic Republic of), Ireland, Italy, Kuwait, Myanmar, Nicaragua, Oman, Peru, Portugal, Qatar, Spain, Sri Lanka, Turkey, United Kingdom of Great Britain and Northern Ireland and the United States of America. The International Committee of the Red Cross also took part in the work of the Group, pursuant to the invitation issued by the Secretary-General of the United Nations, the Depositary of the Convention.

3. At its first meeting, on 16 May 1994, the Group of Experts decided to invite the United Nations agencies, specialized and other agencies.

Accordingly, the United Nations Department of Humanitarian Affairs, the Offic of the United Nations High Commissioner for Refugees and the United Nations Children's Fund took part in the work of the Group as observers. The Group agreed that the Chairman of the Group of Experts would give periodic briefin to the non-governmental organizations on the work of the Group.

4. At the same meeting, the Group decided to concentrate its efforts on agenda item 10 entitled "Consideration of proposals for and preparation of amendments to Protocol II of the Convention and the adoption of the report o the Group of Experts for submission to the States Parties". At the same time the Group also decided to keep open agenda item 9 entitled "General exchange of views", so that the substantive consideration of the subject could benefit from such an exchange of views. In this connection, a large number of delegations participated in the exchange of views on item 9. Under this iten Sweden introduced the following working papers, respectively entitled "Draft Protocol on Blinding Weapons" (CCW/CONF.I/GE/CRP.3) and "Draft Protocol on Naval Mines" (CCW/CONF.I/GE/CRP.4).

5. In the course of its consideration of agenda item 10 regarding amendments to Protocol II to the Convention, the Group had before it the following documents:

(1) CCW/CONF.I/GE/3 - "Draft amended protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices (Protocol II)" submitted by France;

(2) CCW/CONF.I/GE/5 - "Summary of negotiations leading to the conclusion of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to b Excessively Injurious or to Have Indiscriminate Effects and of subsequent developments related to the Convention" prepared by the Secretariat;

(3) CCW/CONF.I/GE/6 - "The rationale for amending and the ways and means of improving Protocol II of the Convention as well as the military and humanitarian perspectives concerning the amendment of Protocol II of the Convention" prepared by the International Committee of the Red Cross;

(4) CCW/CONF.I/GE/7 - Communication received from the Republic of Argentina on a Moratorium;

(5) CCW/CONF.I/GE/CRP.2 - "Chairman's Rolling Text" prepared by the Chairman;

(6) CCW/CONF.I/GE/CRP.5 - "Non-paper on the scope of application" submitted by Germany;

(7) CCW/CONF.I/GE/CRP.6 - "Non-paper on definitions" submitted by Germany;

(8) CCW/CONF.I/GE/CRP.7 - "The question of mines in the Review Conference of the Conventional Weapons Convention: discussion paper" submitted by the Netherlands;

(9) CCW/CONF.I/GE/CRP.8 - "Non-paper on the structure of clusters 3 (restrictions and prohibitions) and 4 (verification)" submitted by Germany;

(10) CCW/CONF.I/GE/CRP.9 - "Non-paper on cluster 3 (prohibitions and restrictions)" submitted by Germany;

(11) CCW/CONF.I/GE/CRP.10 - "Article 4 - Specific restrictions on the use of mines, booby-traps and other devices" submitted by Denmark and the United States;

(12) CCW/CONF.I/GE/CRP.10/Rev.1 - "Article 4 - Specific restrictions on the use of mines, [booby-traps] and other devices" submitted by Denmark and the United States;

(13) CCW/CONF.I/GE/CRP.11 - "Protocol II - New Article - Transfers" submitted by Australia;

(14) CCW/CONF.I/GE/CRP.11/Rev.1 - "Protocol II - New Article - Transfers" submitted by Australia, the Netherlands and Sweden;

(15) CCW/CONF.I/GE/CRP.12 - "Main Convention - New Article - Grave Breaches" submitted by Australia and Sweden;

(16) CCW/CONF.I/GE/CRP.13 - "Main Convention - New Article - Implementation Procedures; Protocol II - New Article - Verification Commission" proposed by Australia;

(17) CCW/CONF.I/GE/CRP.14 - "Working Paper" presented by Bulgaria;

(18) CCW/CONF.I/GE/CRP.15 - "Convention - Article 5 - Entry into Force; Article 9 - Denunciation and Protocol II - Article 6 - Prohibition on the use of certain booby-traps" submitted by the Russian Federation;

(19) CCW/CONF.I/GE/CRP.17 - "Non-paper on the Technical Annex to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol II)" submitted by Germany;

(20) CCW/CONF.I/GE/CRP.18 - "Article 8" submitted by Austria;

(21) CCW/CONF.I/GE/CRP.19 - "Article 3" submitted by Mexico;

(22) CCW/CONF.I/GE/CRP.20 - "Protocol II - New Article - Reports" submitted by Australia;

(23) CCW/CONF.I/GE/CRP.21 - "Discussion paper - Scope" submitted by Australia on behalf of a Contact Group;

(24) CCW/CONF.I/GE/CRP.22 - "Non-paper on definitions" submitted by India on behalf of the Consultation Group of Experts;

(25) CCW/CONF.I/GE/CRP.23 - "Discussion paper on booby-traps and other devices" submitted by Australia;

(26) CCW/CONF.I/GE/CRP.24 - "Proposals on prohibitions and restrictions" submitted by the International Committee of the Red Cross.

In addition, a large number of informal working papers were submitted by delegations during the course of deliberations on the subject.

6. At the outset, the Group decided to consider various proposals to amend Protocol II to the Convention regarding prohibitions and restrictions on mines, booby-traps and other devices on the basis of the rolling text submitted by the Chairman (CCW/CONF.I/GE/CRP.2). Upon the proposal of the Chairman, the Group agreed to consider the subject within the framework of the following clusters of issues: (1) scope of application; (2) definitions; (3) prohibitions and restrictions; and (4) verification, fact-finding and compliance.

7. With respect to Article 1, the "scope of application", the Group of Experts considered the question of extension of the present scope of the Protocol to include also armed conflicts not of an international character. Many delegations spoke in favour of the need for such an extension, but questions were raised with regard to the following issues: (1) feasibility of application; (2) implication concerning legal status of the parties to armed conflicts; (3) potential hindrance to universality of the Convention; and (4) the appropriateness of placing this article in the Protocol or the Convention itself. With the view to harmonizing those views, the Chairman, with the consent of the Group, designated Mr. Christopher Lamb, representative of Australia, to conduct informal consultations on the question of scope of application in this Protocol. Document CCW/CONF.I/GE/CRP.21, which contains the outcome of the consultations, foreshadowed further work at the next session on the methodology and language to be used.

8. On the question of amendment to Article 2 regarding definitions in the present Protocol II to the Convention, a large number of proposals were submitted to the Group for consideration. In order to facilitate the work of the Group, several informal consultations were held under the Chairmanship of Mr. C. Narain of India, Vice-Chairman of the Group of Experts, with the aim of narrowing the field of possible alternatives on definitions in the Protocol including: "mine", "remotely delivered mine", "anti-personnel mine", "scatterable mine", "booby-trap", "other device", "military objective", "civilian objects", "minefield", "recording", "destruction mechanism", "neutralizing mechanism", "self destruction", "self neutralization", "passive self deactivation", "remote control", "locating mechanism" and "anti-handling device". Document CCW/CONF.I/GE/CRP.22 contains the outcome of those consultations and provides a basis for future work on Article 2.

9. With regard to "prohibitions and restrictions", the Group of Experts considered the following issues: (1) general restrictions on landmines, booby-traps and other devices; (2) specific restrictions on certain landmines, booby-traps and other devices; (3) specific prohibition of certain types of mines and booby-traps. Further work remains to be done on these issues at the next session.

10. Concerning "verification, fact-finding and compliance", it is generally recognized by the Group that the question of verification would need to be discussed further in depth. A number of issues in this connection were raised by delegations, particularly with respect to the scope and extent of verification and fact-finding as well as the ways and means for promoting and enforcing compliance.

11. At its last meeting, on 27 May 1994, the Group of Experts considered and adopted its draft progress report for the second session, as contained in document CCW/CONF.I/GE/CRP.16, as orally amended, which is being issued as document CCW/CONF.I/GE.8.

GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/GE/21
19 August 1994

Original: ENGLISH

Third session
Geneva, 8-19 August 1994

PROGRESS REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

1. The Group of Government Experts to Prepare the Review Conference of the States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held its third session at the Palais des Nations, Geneva, from 8 to 19 August 1994, in accordance with the decision taken at its first session. The Group held 15 plenary meetings during that period under the Chairmanship of Mr. Johan Molander of Sweden. Mr. C. Narain of India and Mr. Peter Poptchev of Bulgaria continued to serve as Vice-Chairmen of the Group. Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs, Department of Political Affairs, continued to serve as Secretary of the Group.

2. At the third session of the Group of Governmental Experts, the following States parties to the Convention participated in the work of the Group: Australia, Austria, Bulgaria, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, India, Japan, Latvia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Poland, Russian Federation, Slovakia, Slovenia, Spain, Sweden and Switzerland. The following States non-parties to the Convention also participated in the work of the Group as observers: Afghanistan, Argentina, Belgium, Cambodia, Canada, Chile, Colombia, Egypt, Estonia, Iran (Islamic Republic of), Ireland, Israel, Italy, Morocco, Nicaragua, Oman, South Africa, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland and the United States of America. The International Committee of the Red Cross took part in the work of the Group, pursuant to the invitation issued by the Secretary-General of the United Nations, the Depositary of the Convention. The United Nations

Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund also took part in the work of the Group as observers. The Group of Experts agreed that agenda item 6 regarding the question of participation was still open and the Chairman of the Group would give periodic briefings to the non-governmental organizations on the work of the Group, pending a solution to the outstanding issues under that item.

3. The Group continued to concentrate its efforts on agenda item 10 entitled "Consideration of proposals for and preparation of amendments to Protocol II of the Convention and the adoption of the report of the Group of Experts for submission to the States Partes". At the same time, the Group also decided to keep open agenda item 9 entitled "General exchange of views", so that the substantive consideration of the issues before the Group could benefit from such an exchange of views. In this connection, a large number delegations participated in the exchange of views.

4. In the course of its consideration of agenda item 10 regarding amendments to Protocol II to the Convention, the Group had before it the following documents:

(1) CCW/CONF.I/GE/3 - "Draft amended protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices (Protocol II)" submitted by France;

(2) CCW/CONF.I/GE/5 - "Summary of negotiations leading to the conclusion of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to b Excessively Injurious or to Have Indiscriminate Effects and of subsequent developments related to the Convention" prepared by th Secretariat;

(3) CCW/CONF.I/GE/6 - "The rationale for amending and the ways and means of improving Protocol II of the Convention as well as the military and humanitarian perspectives concerning the amendment Protocol II of the Convention" prepared by the International Committee of the Red Cross;

(4) CCW/CONF.I/GE/7 - Communication received from the Republic of Argentina on a Moratorium;

(5) CCW/CONF.I/GE/10 - Proposal by Sweden on Article 6;

(6) CCW/CONF.I/GE.13 - A speech by the Deputy Minister of Defence of South Africa;

(7) CCW/CONF.I/GE/18 - "Commission of States parties" proposed by the Russian Federation;

(8) CCW/CONF.I/GE/19 - Official communication received from Israel;

(9) CCW/CONF.I/GE/20 - "Prohibitions and restrictions" proposed by the Russian Federation;

(10) CCW/CONF.I/GE/CRP.2 - "Chairman's Rolling Text" prepared by the Chairman;

(11) CCW/CONF.I/GE/CRP.2/Rev.1 - "Chairman's Rolling Text" prepared by the Chairman;

(12) CCW/CONF/I/GE/CRP.5 - "Non-paper on the scope of application" submitted by Germany;

(13) CCW/CONF.I/GE/CRP.6 - "Non-paper on definitions" submitted by Germany;

(14) CCW/CONF.I/GE/CRP.7 - "The question of mines in the Review Conference of the Conventional Weapons Convention: discussion paper" submitted by the Netherlands;

(15) CCW/CONF.I/GE/CRP.8 - "Non-paper on the structure of clusters 3 (restrictions and prohibitions) and 4 (verification)" submitted by Germany;

(16) CCW/CONF/I/GE/CRP.9 - "Non-paper on cluster 3 (prohibitions and restrictions)" submitted by Germany;

(17) CCW/CONF.I/GE/CRP.10 - "Article 4 - Specific restrictions on the use of mines, booby-traps and other devices" submitted by Denmark and the United States;

(18) CCW/CONF.I/GE/CRP.10/Rev.1 - "Article 4 - Specific restrictions on the use of mines, [booby-traps] and other devices" submitted by Denmark and the United States;

(19) CCW/CONF.I/GE/CRP.11 - "Protocol II - New Article - Transfers" submitted by Australia;

(20) CCW/CONF.I/GE/CRP.11/Rev.1 - "Protocol II - New Article - Transfers" submitted by Australia, the Netherlands and Sweden;

(21) CCW/CONF.I/GE/CRP.12 - "Main Convention - New Article - Grave Breaches" submitted by Australia and Sweden;

(22) CCW/CONF.I/GE/CRP.13 - "Main Convention - New Article - Implementation Procedures; Protocol II - New Article - Verification Commission" proposed by Australia;

(23) CCW/CONF.I/GE/CRP.14 - "Working Paper" presented by Bulgaria;

(24) CCW/CONF.I/GE/CRP.15 - "Convention - Article 5 - Entry into Force; Article 9 - Denunciation and Protocol II - Article 6 - Prohibition on the use of certain mines" submitted by the Russian Federation;

(25) CCW/CONF/I/GE/CRP.17 - "Non-paper on the Technical Annex to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol II)" submitted by Germany;

(26) CCW/CONF.I/GE/CRP.18 - "Article 8" proposed by Austria;

(27) CCW/CONF.I/GE/CRP.19 - "Article 3" submitted by Mexico;

(28) CCW/CONF.I/GE/CRP.20 - "Protocol II - New Article - Reports" submitted by Australia;

(29) CCW/CONF.I/GE/CRP.21 - "Discussion paper - Scope" submitted by Australia on behalf of a Contact Group;

(30) CCW/CONF.I/GE/CRP.22 - "Non-paper on definitions" submitted by India on behalf of the Consultation Group of Experts;

(31) CCW/CONF.I/GE/CRP.23 - "Discussion paper on booby-traps and other devices" submitted by Australia;

(32) CCW/CONF.I/GE/CRP.24 - "Proposals on prohibitions and restrictions" submitted by the International Committee of the Red Cross;

(33) CCW/CONF.I/GE/CRP.25 - "verification and compliance" proposed by France and Germany;

(34) CCW/CONF.I/GE/CRP.26 - "Technical Annex to Protocol II" Working paper submitted by France;

(35) CCW/CONF.I/GE/CRP.27 - "Verification and compliance" proposed by Finland;

(36) CCW/CONF.I/GE/CRP.29 - "Protocol on anti-personnel landmines proposed by Estonia;

(37) CCW/CONF.I/GE/CRP.31 - "New Article 9 A - Provisioning of Technical Assistance to the States parties" - proposed by Pakistan co-sponsored by China, Cuba and Iran (Islamic Republic of);

(38) CCW/CONF.I/GE/CRP.32 and Corr. 1 (English only) - "Verification and Compliance" joint proposal by China, Cuba, Iran (Islamic Republic of) and Pakistan;

(39) CCW/CONF.I/GE/CRP.33 - "Proposal on Article 9 - Technological cooperation and assistance" submitted by Cuba, Iran (Islamic Republic of) and Pakistan;

(40) CCW/CONF.I/GE/CRP.34 - "Article 8 - Protection of forces, missions, agencies and other bodies under the authority of the United Nations, of regional arrangements (agencies) acting under Chapter VIII of the United Nations Charter and of the International Commission of the Red Cross from the effects of minefields, mines, booby-traps and other devices" proposed by Austria;

(41) CCW/CONF.I/GE/CRP.35 - "Article ... - Commission of States parties" proposed by the Russian Federation;

(42) CCW/CONF.I/GE/CRP.36 - Working paper on "Article 3 - General restrictions on the use of mines, booby-traps, and other devices" jointly submitted by Denmark, Germany and the United States of America;

(43) CCW/CONF.I/GE/CRP.38 - "Protocol II - New article on transfers" proposed by Australia, Denmark, Ireland, the Netherlands, New Zealand, Norway, South Africa, Sweden and Switzerland;

(44) CCW/CONF.I/GE/CRP.39 - "Technical Annex Provisions" submitted by the United States;

(45) CCW/CONF.I/GE/CRP.40 - "Article 4, paragraph 2" proposed by Denmark and the United States of America.

In addition, a large number of informal working papers were submitted by delegations during the course of deliberations on the subject.

5. The Group continued to consider various proposals to amend Protocol II to the Convention regarding prohibitions and restrictions on mines, booby-traps and other devices on the basis of the revised rolling text submitted by the Chairman (CCW/CONF.I/GE/CRP.2/Rev.1). Upon the proposal of the Chairman, the Group agreed to set up various working groups to consider the subject within the framework of the following clusters of issues: (1) scope of application; (2) definitions; (3) prohibitions and restrictions; an (4) verification fact-finding and compliance.

6. Working Group I on "Prohibitions and Restrictions" and Technical Military Experts Group on "Definitions and Technical Annexes" held five and two meetings respectively under the Chairmanship of Mr. C. Narain of India form 9 to 17 August, assisted by Mr. Lin Kuo Chung of the Centre for Disarmament Affairs. Working Group I concentrated its efforts on the deliberations of amendments to Articles 3-9 as well as possible new Articles to the Protocol. The Technical Military Experts Group devoted its efforts on Article 2 and Technical Annexes to Protocol II. In the course of deliberations, various proposals were submitted. During this period, the Chairman of the Working Group also conducted informal consultations on those issues.

7. Working Group II on "Verification and fact-finding" held two meetings under the Chairmanship of Mr. Johan Molander, Chairman of the Group of Experts, assisted by Mr. Sohrab Kheradi, Secretary of the Group of Experts. The Working Group had extensive discussions on all aspects relating to the question of a possible verification system and fact-finding missions with a view to elaborating possible new articles to be added to Protocol II. In the course of the deliberations a number of proposals were put forward and intensive informal consultations were conducted by the Chairman. Alternative proposals for verification and compliance were elaborated and considered. There is no consensus on the principle of establishing a verification system for the purpose of this Protocol or Convention.

8. On 17 August the Secretary of the Group of Experts stated, inter alia, that the CCW Convention is a multilateral instrument binding States parties and hence, no aspect related to its implementation, including those related any fact-finding mission and/or Verification Commission or other mechanisms that would be part of the Convention or its Protocols, would have any financial implications as far as the United Nations budget is concerned.

9. Working Group III on "Scope of application" and Working Group IV on "Compliance" held two meetings and one meeting respectively, under the Chairmanship of Mr. Peter Poptchev of Bulgaria from 10 to 16 August, assiste by Mr. Francesco Cottafavi of the Centre for Disarmament Affairs. Working Group III had intensive deliberations on the possible extension of the scope

of application beyond the present one to include also armed conflicts not of an international character. Various proposals were put forward on the issue. Intensive informal consultations were also held by the Chairman of the Working Group on the question of scope but there was no consensus on principle of extending the scope of the Protocol to armed conflicts not of an international character.

10. Working Group IV had extensive discussions on several issues related to the question of compliance with the provisions of the Protocol. Subsequently, various proposals were put forward on the issue.

11. On the basis of the deliberations in the various working groups, the Group of Governmental Experts, upon the proposal of the Chairman, agreed to elaborate an integrated draft text of amendments to Protocol II in the plenary meetings during the period 16 to 18 August. The revised and integrated draft text of amendments to the Protocol II of the Convention is contained in the new version of the Chairman's rolling text (CCW/CONF.I/GE/CRP.2/Rev.2) as annexed to the present report.

12. On 15 August, the Group of Governmental Experts began a preliminary exchange of views on agenda item 11 entitled "Consideration of other proposals relating to the Convention and its existing or future Protocol". A number of delegations made statements or introduced their proposals on blinding weapons, naval mines and small calibre weapon systems. One delegation also addressed the issue of an amendment to the Convention to provide for more frequent meetings of the States parties. A general exchange of views took place without prejudice as to whether the proposals would ultimately result in new protocols. The Group had before it for its consideration, the following documents under agenda item 11:

(1) CCW/CONF.I/GE/9 - Background documentation entitled "The rationale for considering other proposals relating to the Convention and to its existing or future protocols" prepared by the International Committee of the Red Cross;

(2) CCW/CONF.I/GE/11 - "Draft Protocol on Blinding Weapons" - submitted by Sweden;

(3) CCW/CONF.I/GE/12 - "Draft Protocol on Naval Mines" submitted by Sweden;

(4) CCW/CONF.I/GE/14 and Corr.1 - "Blinding weapons: explanatory memorandum to the proposal for a prohibition" submitted by Sweden;

(5) CCW/CONF.I/GE/15 - "Small calibre weapon system: Assistance in Wound Ballistics Research and Testing" submitted by Switzerland;

(6) CCW/CONF.I/GE/16 - "Draft Protocol on small calibre weapon systems" submitted by Switzerland;

(7) CCW/CONF.I/GE/CRP.28 - "Draft Protocol on blinding weapons" submitted by the International Committee of the Red Cross;

(8) CCW/CONF.I/GE/CRP.30 - "Draft Protocol on naval mines" submitted by France.

13. The Group of Governmental Experts decided, on 18 August, to hold an additional session in Geneva from 9 to 20 January 1995. In this connection, the Group adopted the estimated costs for the fourth session as contained in document CCW/CONF.I/GE/17.

14. The Group further took up for consideration agenda item 12(a) regarding the question of date and duration for the Review Conference. On 18 August, the Group decided to hold the Review Conference in Geneva within the time-frame 25 September-13 October 1995. The exact duration will be decided at the fourth session of the Group of Governmental Experts. At its final meeting on 19 August 1994, the Group of Governmental Experts to prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed t Be Excessively Injurious or to Have Indiscriminate Effects decided to nominat the President of the CCW Review Conference at the January 1995 session of the Group of Governmental Experts and then consider the recommendation of Mr. Molander, the present Chairman of the Group.

15. At its final plenary meeting, on 19 August 1994, the Group of Experts considered and adopted its draft progress report for the third session, as contained in document CCW/CONF.I/GE/CRP.37, as orally amended, which is to be issued as document CCW/CONF.I/GE/21.

16. The last paragraph of the letter of States parties to the Convention submitted to the Secretary-General of the United Nations, dated 22 December 1993, states: "The Group of Experts should report to the States parties before the end of 1994 on the results of its work on amendments to Protocol II of the Convention". Pursuant to that request, the Group of Experts decided to submit to the States parties its progress reports as contained in documents CCW/CONF.I/GE/4, CCW/CONF.I/GE/8 and CCW/CONF.I/GE/21 and to request the Secretariat to take appropriate action concerning this matter.

Annex

CHAIRMAN'S ROLLING TEXT

Explanatory note by the Chairman

The enclosed revised version of the Chairman's Rolling Text (CCW/CONF.I/GE/CRP.2/Rev.2) reflects the view of the Chairman of the Group of Governmental Experts on the present state of negotiations on amendments to Protocol II of the Convention. The revised text will hopefully facilitate consideration of existing proposals in capitals, and will form the basis for the deliberations of the Group of Governmental Experts at its fourth session on 9-20 January 1995.

The text is made up of three parts. The first part reflects the current state of negotiations on Articles 1 to 9. It also includes the new subject areas of "Transfers" and "Technological Cooperation and Assistance". At this stage views vary as to the appropriateness of including these subject areas into the body of Protocol II.

Appendix I contains the proposed texts on verification and compliance. These texts do not, at the present stage, commit any delegation, as there is no consensus on the addition of a verification regime to Protocol II.

Appendix II contains proposals relating to the subject matter of Protocol II but which have been submitted in relation to the Main Convention.

Article 1

[Material] Scope of Application

1. This Protocol relates to the [use] [emplacement] on land of the mines, booby-traps and other devices defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

[2. This Protocol shall apply in the situations referred to in Article 2 [and 3] and common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and [in Article 1 of Additional Protocol II to the Geneva Conventions of 12 August 1949.] [and in conformity with the international obligations of the parties concerned].

3. In the case of conflicts referred to in [Article 1 of Additional Protocol II] that take place in the territory of a High Contracting Party that has accepted this Protocol, the dissident armed groups referred to in [that article] shall specifically be bound to apply the prohibitions and restrictions of this Protocol on the same basis.

4. When one or more of the parties to a conflict are not bound by this Protocol, the parties to the conflict which are bound by the Protocol shall remain bound thereby in their mutual relations. [Any party to a conflict shall be bound by this Protocol in relation to any other party to the conflic which is not bound by the Protocol, if the latter accepts and applies the Protocol].

5. The application of the provisions of this Protocol to parties to a conflict which are not High Contracting Parties that have accepted this Protocol shall not change their legal status or the legal status of a dispute territory, either explicitly or implicitly.]

Note: Some delegations support the view that the issue of scope should be addressed in the Convention, rather than in the Protocol.

Note: There is no consensus on the principle of extending the scope of the Protocol to conflicts not of an international character.

Article 2

Definitions

For the purpose of this Protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contac of a person or vehicle.

and "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or droppe from an aircraft. 1/

1/ It was suggested that further consideration should be given to t definition of "remotely-delivered mine".

and "Anti-personnel mine" means a mine designed to [be exploded by the presence, proximity or contact of a person and that will] incapacitate, injure or kill one or more persons.

2. "Booby-trap" means any device or material which is designed, constructed or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

3. "Other devices" means manually emplaced munitions and devices designed to kill, injure or damage and which are actuated by remote control or automatically after a lapse of time.

4. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

5. "Civilian objects" are all objects which are not military objectives as defined in paragraph 4.

6. "Minefield" is an area in which mines have been emplaced.

and "Mined area" is an area which is dangerous due to the presence [or suspected presence] of mines.

7. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mines, booby-traps and other devices.

8. "Self destruction mechanism" means an incorporated automatically functioning mechanism which secures the destruction of a munition.

and "Self neutralizing mechanism" means an incorporated automatically functioning mechanism which renders a munition inoperable.

[and "Self deactivation" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component that is essential to the operation of the munition.]

[and "Remote control" means a control by commands from a distance.]

9. "Anti-handling device" means a device by which a mine will explode when an attempt is made to remove, neutralize or destroy the mine.]

or ["Anti-handling device" means a device to protect a munition against removal.]

Article 3

General restrictions on the use of mines, [booby-traps] and other devices

1. This Article applies to:

(a) mines;

(b) [booby-traps;] and

(c) other devices.

2. Each State party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, [booby-traps,] and other devices employed by it [and undertakes to clear, remove or destroy them at the end of active hostilities or as specified in Article 9 of this Protocol].

3. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians.

4. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

(a) which is not on, or directed against, a military objective; or

(b) which employs a method or means of delivery which cannot be directed at a specific military objective; or

(c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

[5. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects cannot be treated as a single military objective.]

6. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

(a) the short- and long-term effect of landmines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (e.g. fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short- and long-term military requirements for a minefield.

7. Effective advance warning shall be given of any emplacement of mines, [booby-traps] and other devices which may affect the civilian population, [unless circumstances do not permit].

[8. Restrictions and prohibitions in this Protocol shall facilitate the ultimate goal of a complete ban on the production, stockpiling, use and trade of anti-personnel landmines.]

Article 4

[Specific] restrictions on the use of mines [other than remotely delivered mines], [booby-traps] and other devices

1. This Article applies to:

(a) mines [other than remotely delivered mines];

(b) [booby-traps;] and

(c) other devices.

[2. Unless combat between ground forces is taking place or appears to be imminent, weapons to which this Article applies:

(a) must be placed within a perimeter-marked area. The marking must be visible and distinct, and of a kind which cannot be accidentally removed. The perimeter-marked area must be protected by fencing or other means, and monitored by military personnel; and

(b) must, before abandonment, be cleared or turned over to allied or coalition forces that accept responsibility for maintenance of the protections required by the provisions of this Article and for subsequent destruction or recovery of the mines and other devices placed within it.]

[2.(a) [Anti-personnel] mines, booby-traps and other devices [without a combination of (1)] a self-destruction [or a self-neutralizing] mechanism, and (2) [self-deactivation] may be used only if:

1. They are placed within a perimeter-marked [border] area and protected by fencing or other means to effectively exclude civilians from the area. The marking must at least be visible to a person who is about to enter the perimeter-marked area. The marking must be of a distinct and durable character. The area must be continuously monitored by military personnel; and 1/

2. They are cleared before leaving the area, unless that area is turned over to allied or coalition forces that accept responsibility for maintenance and subsequent clearance (i.e., removal or destruction) of those weapons.

3. A party to the conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) above only if such compliance is unfeasible due to forcible loss of control of the area as a result of enemy military action. If the party to the conflict regains control of the area, it shall resume compliance with the provisions of the subparagraphs.]

[3][4]. If the forces of a party gain control of an area in which [[anti-personnel] mines, [booby-traps] and other devices] [weapons to which this Article applies] have been laid, such forces shall [to the maximum extent possible] maintain the [existing] protections required by this Article until such weapons have been cleared.

1/ It was also suggested that Article 1, paragraph 2 (a) 1 should read as follows:

2. "Mines, [booby-traps,] and other devices that are not self-destructing [or self-neutralizing] may be used only if:

(a) They are placed within a party's own territory from which its civilian population has been effectively evacuated, or, within a perimeter-marked area, in which case they shall be protected by fencing or other means to effectively exclude civilians from the area. The marking must be visible, distinct and durable. The marked area must be continuously monitored by military personnel; and"

[4][5]. [Mines, booby-traps and other devices shall comply with the minimum standards for reliability, design and construction contained in the Technical Annex.]

[5][6] [The intentional removal, defacement, destruction or concealment, [by persons not under the command of a party,] of any device, system or material used to establish the perimeter of a perimeter-marked minefield, except following the clearance of the minefield, shall be prohibited.]

[6][7] [To facilitate clearance, all [anti-personnel] mines, [booby-traps,] and other devices must be [easily] [readily] detectable using widely-available equipment, such as electronic mine detectors [in accordance with the Technical Annex]. No [anti-personnel] mines, [booby-traps,] and other devices may be designed such that they will detonate by the operation of standard mine-sensing devices.] 1/

Article 5

[Specific] restrictions on the use of remotely delivered mines:

1. The use of remotely delivered mines is prohibited unless [they possess either a "self-neutralizing" or a "self-destruction" mechanism [which should be capable of self-deactivation] [in accordance with the Technical Annex]; and

[2. All remotely-delivered mines shall comply with the standards for armed period, reliability, design and construction contained in the Technical Annex.]

Article 6

Prohibitions [on the use of] [regarding] [certain] [mines] booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

(a) internationally recognized protective emblems, signs or signals;

1/ Views were expressed to the effect that this paragraph should be moved to Article 6 or Article 9.

(b) sick, wounded or dead persons;

(c) burial or cremation sites or graves;

(d) medical facilities, medical equipment, medical supplies or medical transportation;

(e) children's toys or other portable objects or products specially designed for feeding, health, hygiene, clothing or education of children;

(f) food or drink;

(g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) objects clearly of a religious nature;

(i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(j) animals or their carcasses.

[2. The [manufacture, stockpiling,] use [and transfer] of booby-traps in the form of apparently harmless portable objects is prohibited.]

3. It is prohibited in all circumstances to use any [mine,] booby-trap [or other device] which is designed to cause superfluous injury or unnecessary suffering.

[4. It is prohibited to use [,manufacture, stockpile, or transfer] [anti-personnel] mines which cannot be detected, that is, which cannot be identified using widely available equipment such as electromagnetic mine detectors [as specified in the Technical Annex].

[5. The States parties shall notify the Depositary of all stockpiles of weapons to which this Article applies and undertake to destroy them within a period of .. years. The States shall report annually on the progress made regarding implementation of paragraphs 2 and 4 of this Article.]

Article 6 bis

[Prohibition of the use, development, manufacture, stockpiling and transfer of certain mines and booby-traps]

[1. It is prohibited to use, develop, manufacture, stockpile or transfer, directly or indirectly:

- Anti-personnel mines defined in Article 2, [paragraph 1] of this Protocol; and]
- [Anti-personnel mines without self-destruction or self-neutralizing mechanisms]

[- Booby-traps defined in Article 2, [paragraph 2] of this Protocol.

2. The States parties undertake to destroy the weapons to which this Article applies and which are in their ownership and/or possession.]

[Article 6 ter]

[Transfers]

[The States parties undertake, as a preventive measure, not to transfer any landmines, booby-traps and other devices to a country or countries the territory of which is [or could become] the subject of armed conflict whose humanitarian consequences, due to the abuse of the employment of landmines in contravention to the relevant articles of this Protocol, could be considered to be of grave proportions.

The implementation of this undertaking shall, in all cases, be preceded by monitoring and consultations (within the framework of the International Verification Commission to be established under the revised Convention) and may be carried out either by virtue of this Protocol or in response to a respective decision by the United Nations Security Council.

This specific non-transfer obligation of the States parties shall in no way interfere with or prejudice any other arrangement regulating the international trade and transfer of land mines and relevant equipment the States parties might participate in.

Explanatory note:

The placement of this new text in a revised Protocol II will depend on the development of the conceptual discussion in the Group concerning the division or fusion on the "use" and the "production and transfer" issues.]

[1. It is prohibited to transfer any weapon defined in Article 2 of this Protocol to entities which are not States;

2. States parties undertake not to transfer any weapon defined in Article 2 of this Protocol to States which are not bound by this Protocol;

3. States parties undertake not to transfer to other States parties any weapon defined in Article 2 of this Protocol of which the use is prohibited in all circumstances;

4. States parties shall exercise restraint in transferring to other States parties any weapon defined in Article 2 of this Protocol of which the use is restricted.]

Article 7

Recording and publication of the location of minefields, mined areas, mines, [booby-traps] and other devices and all relevant information

1. The parties to a conflict shall record the location of all minefields, mined areas, [booby-traps] and other devices laid by them. The recording shall be done in accordance with the Technical Annex.

2. All such records shall be retained by the parties, who shall:

(a) immediately after [the cessation of active hostilities] [the effective cessation of hostilities and the meaningful withdrawal of forces from the combat zone]:

- (i) Take all necessary and appropriate measures, including the use of such records, to protect civilians from the effects of the minefields, mines, [booby-traps] and other devices;
- (ii) Make available to each other and to the Secretary-General of the United Nations all information in their possession concerning the location of the minefields, mines, [booby-traps] and other devices in the zone of conflict;

(b) When a United Nations force or mission performs, these functions in any area, make available to the authority mentioned in Article 8 such information as is required by that Article; 1/

[(c) Provide for the release of information concerning the location of the minefields, mines, booby-traps] and other devices, particularly in agreements covering the cessation of hostilities;]

(d) Make available to each other all information concerning the date of neutralization or destruction of mines equipped with either a neutralizing mechanism [or process] or a destruction mechanism [or process] as defined in paragraphs 8 and 9 of Article 2 of this Protocol;

(e) Make available to each other all relevant technical information, in particular, concerning the detection and location of the mines, [booby-traps] and other devices, which can be used for purposes of clearance.

1/ It was suggested that the wording of subparagraph 2 (b) should be revised in the light of the final text of Article 8.

Article 8

Protection of [forces, missions, agencies and other bodies under the authority of the United Nations, of regional arrangements (agencies) 1/ acting under Chapter VIII of the United Nations Charter] [and of the International Committee of the Red Cross] from the effects of minefields, mines, booby-traps and other devices 2/

1. When a [force, mission, agency or other body under the authority either of the United Nations or of a regional arrangement (agency) acting under Chapter VIII of the United Nations Charter [or any other organization providing relief action undertaken subject to the agreement of the parties concerned in such relief action,] performs functions of peacekeeping, observation, humanitarian assistance or similar functions] in any area, each party to the conflict shall, if requested by the respective head of the force, mission, [agency or other body] in that area [and in accordance with the United Nations Charter]:

(a) remove or render harmless all mines, [booby-traps] and other devices in that area,

(b) take such measures as may be necessary to protect the [force, mission, agency or other body] from the effects of minefields, mined areas, mines, [booby-traps] and other devices while carrying out its duties, and

(c) make available [to the head of the United Nations force or mission] [to the head of the requesting agency] in that area all information in the party's possession concerning the location of minefields, mined areas, mines, [booby-traps] and other devices in that area.

1/ Bracketed language will require further consideration in the light of ongoing related work in the Ad Hoc Committee on the Safety of United Nations Personnel, at the United Nations General Assembly Sixth Committee.

2/ It was suggested that the specific measures described in Article 8 should be limited to United Nations forces or missions in light of their far-reaching character. At the same time, it was suggested that appropriate protections be given to an even broader range of peacekeeping forces, or internationally recognized humanitarian or relief activities, which might, in appropriate cases, include mine clearance, provision of information on the location of mines, or the provision of escorts.

2. When a [force, mission, agency or other body under the authority of the United Nations or of a regional arrangement (agency) acting under Chapter VIII of the United Nations Charter] performs functions in any area, any party to the conflict concerned shall provide protection of that body except where, because of the size of such body, it cannot adequately provide such protection. In that case it shall make available to the head of the [force, mission, agency or other body] in that area the information in its possession concerning the location, in that area, of minefields, mined areas, mines, [booby-traps] and other devices.

[3. Each party to the conflict shall provide information and protection as specified in paragraphs 1 and 2 and under the conditions set out therein to the International Committee of the Red Cross when the latter is working in an area of minefields, mined areas, mines [booby-traps] and other devices.]

Article 9

[Removal of minefields, [mined areas,] mines, [booby-traps] and other devices and international cooperation] 1/

1. [Upon the cessation of active hostilities] [After the effective cessation of hostilities and the meaningful withdrawal of forces from the combat zone] each party to the conflict shall clear, remove or destroy, or maintain in accordance with Article 4, all minefields, mined areas, [booby-traps,] and other devices remaining in territory under its control.

2. If mines, [booby-traps] and other devices laid by a party to a conflict are in territory not under its control, each party to the conflict is further obliged to provide timely information and technical and material assistance necessary to clear all such devices.

3. Further, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision of technical and material assistance - including, in appropriate circumstances, joint operations - necessary to remove or otherwise render ineffective minefields, mined areas, [booby-traps] and other devices laid during the conflict.

1/ It was suggested that the provisions relating to the removal of mines as well as to the international cooperation necessary for such removal should be treated in a specific article.

It was also suggested that Article 9 should be distinct from proposals concerning technical assistance which might become necessary in order to apply the technical requirements resulting from proosals for prohibitions and restrictions proposed by some delegations.

4. The activities regarding removal referred to in this Article shall, where appropriate, be carried out in consultation with any other parties affected.

[5. Upon receiving the request from a State party for any technical assistance, to meet the requirement/specifications laid down for the mines (self-destruct, self-neutralizing); the Depositary of this Convention will render this assistance free of cost.]

It will employ all possible means at its disposal to ensure:

(a) Transfer of technology from advanced nations to the developing countries for acquisition on no cost basis;

(b) Allocate requisite funds for the assistance through United Nations coordinated programme.]

Proposals regarding Article 9

[Technological cooperation and assistance

1. Each State party shall undertake to facilitate and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of mine clearance.

2. The States parties shall undertake to provide information concerning various means and technologies of mine clearance to the data bank established within the United Nations system. The data bank shall contain the information provided by States parties and international organizations which upon the request will be freely available to all States parties.

3. The coordinated mine-clearance programme established within the United Nations as per in the United Nations General Assembly resolution 48/7 adopted without a vote shall also, within the resources available to it, and at the request of a State party, provide expert advice and assist the State party in identifying how its programmes for the mine clearance could be implemented.

4. Each State party undertakes to provide assistance through the United Nations coordinated programme and other relevant United Nations bodies and to this end to elect to take one of the following two measures:

(a) to contribute to the voluntary fund for assistance, established by the United Nations coordinated programme;

(b) to declare not later than 90 days after the amended Protocol II enters into force for it, the kind of assistance it might provide in response to an appeal by the United Nations coordinated programme. If, however, a

State party subsequently is unable to provide the assistance envisaged in its declaration it is still under the obligation to provide assistance in accordance with this paragraph.

5. The request by a State party to receive assistance, substantiated by relevant information, shall be submitted to the United Nations programme and the Depositary that shall transmit it immediately to all States parties and related international organizations. Subsequently after the receipt of the request, an investigation shall be initiated in order to provide foundation for further action. A report consequently shall be forwarded, accompanied by relevant facts related to the request as well as the type and scope of the assistance needed.]

Technical Annex

1. Guidelines on recording

The recording of the location of minefields, mined areas, [booby-traps] and other devices shall be done as per the following guidelines:

(a) Maps, diagrams or other records should be made in such a way as to indicate the location of minefields, mined areas, [booby-traps] and other devices; as far as minefields and mined areas are concerned they should also indicate their perimeters and extent.

(b) The location of the minefields and mined areas should be specified accurately by relation to the coordinates of reference points and the estimated dimensions of the area containing mines in relation to those reference points.

(c) The location of [booby-traps] and other devices should be specified accurately, by relation to the coordinates of reference points.

(d) [The estimated location and area of remotely delivered mines should be specified accurately by coordinates of reference points and should be ascertained and marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self-neutralizing/self-destruction [/self-deactivation] time period should also be recorded.]

(e) For purposes of detection and clearance of mines, [booby-traps] and other devices, diagrams or other records should contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, of all the munitions laid.

[(f) Concept of a repository of records.]

2. Specifications for the detectability of mines

(a) [To facilitate detection and clearance of mines by widely available detection equipment a minimum of 6 grams of [irremovable] iron in a single coherent mass has to be integrated in all mines.]

(b) [A sufficient quantity of [irremovable] material or any appropriate device, [incorporating detectability equivalent to 8 grams of iron in a single coherent mass,] to enable detection by commonly available technical detection equipment shall be placed in or on every [anti-personnel] mine emplaced.]

(c) [To facilitate detection and clearance, all mines must have irremovable metallic elements in their construction.]

[3. Specifications for self-destruction and self-neutralizing mechanisms and for self-deactivation]

(a) [Mines, booby-traps, and other devices with self-destruction [or self-neutralization] mechanisms, [or with self-deactivation], shall be designed and constructed so that no more than 1 in every 1,000 such munitions will be operable .. days after emplacement.] 1/

(b) [Mines, booby-traps, and other devices with self-deactivation shall be designed and constructed so that, once deactivated, they cannot be reactivated by means available outside their manufacture plant or a comparable facility.]

[4. International sign for minefields and mined areas]

1/ It was suggested that a shorter time limit be established for remotely delivered anti-personnel mines.

APPENDIX I

Proposals relating to verification and compliance

[Article 10]

[Verification Commission

[1. Within ______ after entry into force of this Article, the Depositary shall convene a meeting in New York of Parties bound by this Article, which shall designate ______ of their number to serve as a Verification Commission, taking into account equitable geographic distribution. Members of the Commission shall serve for two-year periods and shall be eligible for re-election. The Commission shall take all its decisions by consensus if possible, but otherwise by a majority of members present and voting.]

[1. Each State party shall be entitled to ask the Depositary to convene a Verification Commission within a period of one week, to conduct an inquiry in order to clarify and resolve any questions relating to possible non-compliance with the provisions of this Protocol concerning the use of mines, booby-traps and other devices. The request for an inquiry shall be accompanied by relevant information and evidence confirming its validity. 1/

2. Any State party may appoint a representative to the Verification Commission which shall meet in New York. Subject to the provisions of paragraph 3 of this Article [and paragraph 1 of Article 11] the Verification Commission shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting.] 2/

The costs of the Verification Commission's activity shall be covered by the States parties in accordance with the United Nations scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of States parties, subject to the provision of (Article 11, para. 3).

1/ It was suggested that it should also be possible for the Secretary-General to request the convening of a Verification Commission in cases where alleged violations of the Protocol affect peacekeeping forces under his control.

2/ It was suggested that the participation of a quorum of a simple majority should be necessary for a Verification Commission to be instituted.

[3. The Verification Commission shall, not later than 48 hours after it has been convened, decide whether to conduct the inquiry requested.]

[3. An inquiry shall be held unless the Verification Commission decides, not later than 48 hours after it has been convened, with a majority of two thirds of its members present and voting that the information and evidence produced does not justify an inquiry.]

For the purposes of the inquiry the Verification Commission shall seek useful assistance and relevant information from States parties and international organizations concerned and from any other appropriate sources.]

[Article 11]

[Fact-finding missions

[1. The inquiry shall be supplemented by evidence collected on the spot or in other places under the jurisdiction or control of the party to the conflict concerned unless the Verification Commission decides with a majority of two thirds of its members present and voting that no such evidence is required.]

[1. The Verification Commission may decide that the inquiry has to be supplemented by evidence collected on the spot and in any place under the jurisdiction or control of the party to a conflict concerned.] In such cases the Verification Commission shall notify the party to a conflict concerned of the decision to send a team of experts to conduct a fact-finding mission at least 24 hours before the team of experts is expected to arrive. It shall inform all States parties of the decision taken as soon as possible.

2. For the purposes of paragraph 1 of this Article, the Depositary shall prepare a list of qualified experts provided by States parties, and constantly keep this list updated. The experts shall be designated in view of the particular fields of expertise that could be required in a fact-finding mission concerning the alleged use of mines, booby-traps and other devices. The initial list as well as any subsequent change to it shall be communicated, in writing, to each State party without delay. Any qualified expert included in this list shall be regarded as designated unless the State party, not later than 30 days after its receipt of the list declares its non-acceptance [, in which event the Verification Commission shall decide whether the expert in question shall be designated].

3. Upon receiving a request from the Verification Commission, the Depositary shall appoint a team of experts from the list of qualified experts to conduct a fact-finding mission at the site of the alleged incident. Experts who are nationals of States parties involved in the armed conflict

concerned or of States parties which requested the inquiry shall not be chosen. The Depositary shall dispatch the team of experts at the earliest opportunity taking into account the safety of the team.

4. The party to a conflict concerned shall make the necessary arrangements to receive, transport and accommodate the team of experts in any place under its jurisdiction or control. 1/

5. When the team of experts has arrived on the spot, it may hear a statement of information by official representatives of the party to a conflict concerned and may question any person likely to be connected with the alleged violation. The team of experts shall have the right of access to all areas and installations where evidence of violation of this Protocol could be collected. The party to a conflict concerned may make any arrangements it considers necessary for the protection of sensitive equipment, information and areas unconnected with the subject of the fact-finding mission [, or for any constitutional obligations it may have with regard to proprietary rights, searches and seizures, or other constitutional protections. In that event, it shall make every reasonable effort to satisfy the legitimate needs of the team of experts through other means.]

6. After having completed its fact-finding mission, the team of experts shall submit a report to the Depositary not later than one week after leaving the territory of the State party in question. The report shall summarize the factual findings of the mission related to the alleged non-compliance with the Protocol. The Depositary shall promptly transmit the report of the team of experts to all States parties.]

[Article 12]

[Compliance

1. The States parties undertake to consult each other and to cooperate with each other in order to resolve any problems that may arise with regard to the [interpretation and] application of the provisions of this Protocol.

2. [If the Verification Commission concludes, based on the inquiry, including any report of the team of experts referred to in article 11, paragraph 6, that there has been a violation of the provisions of this

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1/ It was suggested that further consideration be given to the issue of the cost of travel by the team of experts.

Protocol on the use of mines, booby-traps and other devices, the parties to the conflict which are responsible shall be required to take all appropriate measures to remedy the situation and, in particular, to ensure the removal of the minefields and mines.]

[The Verification Commission shall review the report of the inspection team as soon as it is presented. If the Verification Commission reaches the conclusion that further action may be necessary, it shall take appropriate measures to redress the situation and to ensure compliance with this Protocol.]

[However, if the Verification Commission finds that there has been no violation of the Protocol, the party which initiated the proceedings will bear the costs incurred by the Verification Commission.]

If the parties to the conflict responsible for the violation cannot, for a duly supported reason, comply with the provisions of the previous paragraph, they shall arrange financing, logistical support and staff for mine removal operations by qualified experts. For the purposes of this paragraph, the Depositary shall compile and keep up to date a list of qualified experts supplied by the States parties, on whom the Depositary may call to conduct the corresponding operation.

[3. If weapons covered by this Protocol have been used in violation of its provisions, the States parties shall take collective measures, in accordance with international law, against the State party or States parties responsible for the violation.

4. In the event of a serious violation or emergency calling in question compliance with the provisions of the Protocol, the Verification Commission shall consider what action to take. The question may be brought to the attention of the Security Council of the United Nations under the conditions and in accordance with the procedures specified in the Charter of the United Nations.]

[4. In cases where serious damage to the object and purpose of this Protocol may result from activities prohibited by Articles (3-6), the Verification Commission may recommend collective measures to States parties in conformity with international law and, as appropriate, bring the issue to the attention of the United Nations Security Council.]

5. The provisions of the 1949 Geneva Conventions relating to the repression of breaches and grave breaches shall apply to breaches and grave breaches of this Protocol. Each party to a conflict shall take all appropriate measures

to prevent and suppress breaches of this Protocol. Any act or omission in violation of this Protocol, if committed wilfully or wantonly and causing death or serious injury to the civilian population shall be treated as a grave breach. A party to the conflict which violates the provisions of this Protocol shall, if the case demands, be liable to pay compensation, and shall be responsible for all acts committed by persons forming part of its armed forces. High Contracting Parties and parties to a conflict shall require that commanders ensure that members of the armed forces under their command are aware of, and comply with, their obligations under this Protocol.]

The following has been presented as an alternative text to Articles 10, 11 and 12. 1/

[Verification and compliance

1. Each State party to the Convention undertake to take necessary measures to prohibit indiscriminate use of landmines.

2. Each State party undertakes to protect civilians from the effects of the use of landmines and further undertakes to ensure that all the landmines meet the requirements of this Protocol.

3. Each State party to this Protocol undertakes to facilitate the fullest possible exchange of technological information in order to assist State parties to comply with restrictions/requirements of this Protocol.

4. Each State party undertakes to provide/exchange information with other States parties to promote transparency and credibility for wider adherence to this Protocol's requirements/restrictions.

5. Each State party to this Convention affirm the recognized objective of prohibiting the indiscriminate use of landmines and to this end undertake to provide on a voluntary basis pertinent information to the depositary annually, i.e.:

1/ It was stated that the measures in the proposal could be developed further.

(a) Progress on implementation of Protocol II;

(b) Information on recovery destruction/clearance after military use of mines;

(c) Information on casualty to civilian population occurred due to deployment of such mines in her territory.]

[Article ... 1/]

[Commission of States parties

1. For the purposes of this Protocol, a Commission shall be established by the States parties. The Commission of States parties shall meet in Geneva regularly. Any State party may appoint a representative to the Commission. The ICRC shall be invited to participate in the work of the Commission as an observer. The Commission shall consider annual reports provided by the States parties on the implementation of the Protocol. The Commission shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting.

2. Each State party undertakes to provide annually the relevant information to the Commission, i.e.:

(a) Progress on implementation of the Protocol II;

(b) Information on mine clearance;

(c) Information on civilian casualties occurring due to deployment of mines in its territory.

3. Each State party undertakes to provide/exchange information with other State parties to promote transparency and credibility for wider adherence to this Protocol requirements/restrictions.

1/ Some delegations consider that elements of this text may be more appropriately addressed through amendment of the Convention, rather than of Protocol II. Further, this text is without prejudice to proposals for more frequent meetings of the Review Conference than currently provided for in the Convention.

[4. Each State party to this Protocol undertakes to facilitate the fullest possible exchange of technological information in order to assist States parties to comply with restrictions/requirements of this Protocol.]

5. The Commission shall also carry out other functions as are necessary for the implementation and review of this Protocol.

6. The costs of the Commission's activities shall be covered by the States parties in accordance with the United Nations scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of States parties.]

APPENDIX II

Other Proposals

RUSSIAN FEDERATION

Convention

Article 5. Entry into Force

1. This Convention shall enter into force three months after the date of deposit of the sixth instrument of ratification, acceptance, approval or accession.

Paragraphs 2, 3 and 4 of this Article to be modified in accordance with the amendments to paragraph 1.

Article 9

(a) New paragraphs. Denunciation

1. Any High Contracting Party may, by so notifying the Depositary, denounce this Convention or any of the annexed Protocols upon the expiry of 10 years since the date on which the Convention and any of its Protocols came into force. Such denunciation shall take effect one year after the date on which it is registered.

2. Any High Contracting Party which ratifies this Convention and any of its annexed Protocols and does not, within the year following the expiry of the 10-year period mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, shall be bound for a further 10-year period and may thereafter denounce this Convention or any of its annexed Protocols upon the expiry of each 10-year period under the terms of this article.

(b) The first sentence of the existing paragraph 2 to be deleted.

Protocol

Article 6

Prohibition on the use of certain mines

1. It is prohibited to use

- Anti-personnel mines which do not have metallic elements in their construction;

Proposal by Estonia

Protocol on anti-personnel landmines

It is prohibited to use, develop, manufacture, stockpile and transfer anti-personnel landmines.

The States parties bound by this Protocol undertake to destroy the anti-personnel landmines which are in their possession.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/2

11 September 1995
Original: ENGLISH

Vienna, 25 September-13 October 1995

PROVISIONAL AGENDA

1. Opening of the Conference by the Chairman of the Group of Governmental Experts to Prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

2. Submission of the final report of the Group of Governmental Experts

3. Election of the President

4. Adoption of the Agenda

5. Adoption of the Rules of Procedure

6. Confirmation of the nomination of the Secretary-General of the Conference

7. Election of Vice-Presidents of the Review Conference, Chairmen and Vice-Chairmen of the Drafting Committee, the Credentials Committee and the Main Committees

8. Message from the Secretary-General of the United Nations

9. Adoption of arrangements for meeting the costs of the Conference

10. Appointment of the Credentials Committee

11. Organization of work including that of the subsidiary bodies of the Conference

12. General exchange of views (Plenary)

13. Review of the scope and operation of the Convention and its annexed Protocols

14. Consideration of any proposal for the Convention and its existing Protocols

15. Consideration of proposals for additional protocols to the Convention

16. Report of the Credentials Committee

17. Reports of the Main Committees

18. Report of the Drafting Committee

19. Consideration and adoption of the final documents

20. Other matters

Annotations

1. Opening of the Conference by the Chairman of the Group of Governmental Experts to Prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The first Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) will be opened at 3.00 p.m. on 25 September 1995 at the Austria Centre in Vienna.

The Chairman of the Group of Governmental Experts, Ambassador Johan Molander of Sweden, shall open the Review Conference.

2. Submission of the final report of the Group of Governmental Experts

At its final plenary meeting, on 20 January 1995, the Group of Governmental Experts adopted its Final Report, as contained in document CCW/CONF.I/GE/23, which is submitted for consideration of the Review Conference as document CCW/CONF.I/1. Proposals for amendments to the Convention and to its annexed Protocol II, as well as for an additional Protocol IV are included in the Final Report of the Group of Governmental Experts, as annexes I and II, respectively. Pursuant to Rule 29 of the draft rules of procedure those proposals shall constitute the basic proposals for consideration by the Conference. The progress reports of the previous three sessions of the Group of Governmental Experts are also included in the Final Report, as annex V.

The Final Report of the Group of Governmental Experts shall be submitted by the Chairman of the Group of Governmental Experts to the Review Conference for its consideration.

3. Election of the President

Rule 6 of the draft rules of procedure provides that the Conference shall elect a President from among the States Parties participating in the Conference.

At its final plenary meeting, on 20 January 1995, the Group of Governmental Experts unanimously decided to nominate Ambassador Johan Molander of Sweden, the Chairman of the Group, as the President of the Review Conference.

4. Adoption of the Agenda

At its final meeting, on 20 January 1995, the Group of Governmental Experts approved the draft provisional agenda for the Review Conference, as contained in its Final Report (document CCW/CONF.I/1 - Annex IV) and recommended it for adoption by the Review Conference. The present document contains the provisional agenda with annotations.

5. Adoption of the Rules of Procedure

At its final meeting, on 20 January 1995, the Group of Governmental Experts approved the draft rules of procedure for the Review Conference, as contained in its Final Report (document CCW/CONF.I/1 - Annex III) and recommended their adoption by the Review Conference.

6. Confirmation of the nomination of the Secretary-General of the Conference

On 20 January 1995, the Group of Governmental Experts decided to invite the Secretary-General of the United Nations to nominate a provisional Secretary-General of the Review Conference, in consultation with the States parties, in order to carry out various tasks during the period beginning at the end of the fourth session until the convening of the Conference, the nominee to be confirmed by the Review Conference. The Group also decided to request its Chairman to convey the wish of the States parties to the appropriate United Nations authorities that Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs and Secretary of the Group of Governmental Experts, be appointed as provisional Secretary-General of the Review Conference, with the understanding that his nomination would be confirmed by the Review Conference.

By a letter dated 21 February 1995, addressed to the Chairman of the Group of Governmental Experts, the Secretary-General of the United Nations appointed Mr. Kheradi as provisional Secretary-General of the Review Conference.

7. Election of Vice-Presidents of the Review Conference, Chairman and Vice-Chairmen of the Drafting Committee, the Credentials Committee and the Main Committees

In accordance with Rule 6 of the draft rules of procedure, the Conference shall elect from among the States parties participating in the Conference nine Vice-Presidents as well as the Chairman and a Vice-Chairman for each of the three main committees, the Drafting Committee and the Credentials Committee. These officers shall be elected so as to ensure the representative character of the General Committee provided for in Rule 10 ("The General Committee shall be composed of the President, who shall preside, nine Vice-Presidents, the Chairmen of the three main committees, the Drafting Committee and the Credentials Committee.").

8. Message from the Secretary-General of the United Nations

The Secretary-General of the United Nations will address the Review Conference via a video message during the high-level segment of the general exchange of views.

9. Adoption of arrangements for meeting the costs of the Conference

At its final meeting, on 20 January 1995, the Group of Governmental Experts adopted the estimated costs for the Review Conference as contained in document CCW/CONF.I/GE/22/Rev.1. In this connection and pursuant to a request by the President-designate of the Review Conference that the plenary meetings of the Conference during the period 25 to 28 September be held at the Austria Centre, it is envisaged that an additional estimated cost of US$ 80,000 will be incurred. It is intended to apportion the actual additional expenditure among the participants in the Conference at the time of the final billing when total actual expenditures have been recorded.

In accordance with Rule 16 of the draft rules of procedure, the costs of the Review Conference will be met by the States parties to the Convention participating in the Review Conference in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States parties in the Conference. States which are not States parties to the Convention and which accept the invitation to take part in the Review Conference will share in the costs to the extent of their respective rates of assessment under the United Nations scale. States were informed about their assessed share of the estimated costs of the Conference and the estimated additional costs in a note verbale to that effect.

10. Appointment of the Credentials Committee

In accordance with Rule 4 of the draft rules of procedure, there shall be a Credentials Committee consisting of five members elected by the Conference on the proposal of the President. The Committee will examine the credentials of representatives and report to the Conference.

11. Organization of work including that of the subsidiary bodies of the Conference

With the adoption of the draft rules of procedure the Review Conference will establish a General Committee, which shall be composed of the President, who shall preside, nine Vice-Presidents, the Chairmen of the three main Committees, the Drafting Committee and the Credentials Committee. The Review Conference will also establish three main Committees, which shall receive their assignments from the Conference and report to it; the Drafting Committee, which will be composed of representatives of the same States which are represented on the General Committee; and a Credentials Committee. The Conference and the Main Committees may establish working groups.

The President of the Conference has proposed the following distribution of work among the three Main Committees:

- Main Committee I:
  Review of the scope and operation of the Convention and its annexed Protocols, consideration of any proposals relating to the Convention and preparation and consideration of the final documents;

- Main Committee II:
  Consideration of any proposal relating to the Protocols annexed to the Convention;

- Main Committee III:
  Consideration of proposals for additional Protocols to the Convention.

A proposed Programme of Work for the Conference has been issued as document CCW/CONF.I/INF.2.

Pursuant to Rule 44 of the draft rules of procedure the plenary meetings of the Conference and the meetings of the Main Committees shall be held in public, unless the body concerned decides otherwise. As a general rule, meetings of other committees and working groups shall be held in private.

12. General exchange of views (Plenary)

The general exchange of views will take place during the plenary meetings to be held on 26 and 27 September (high level segment) and thereafter any time the President of the Conference will deem it to be necessary. Pursuant to Rule 49.2 of the draft rules of procedure representatives of non-governmental organizations may make oral statements in plenary meetings on questions in which they have a special competence, upon the invitation of the presiding officer of the plenary and subject to the approval of that body. A plenary meeting has been envisaged for that purpose on 28 September.

13. Review of the scope and operation of the Convention and its annexed Protocols

Pursuant to article 8.3 (a) of the Convention and the request of 30 States parties, the Secretary-General of the United Nations, in his capacity as Depositary of the Convention, has proceeded to convene this Conference, to review the scope and operation of the Convention and the Protocols annexed thereto and to consider any proposal for amendments to the Convention or to the existing Protocols or any proposal for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols and to consider whether provisions should be made for the convening of a further conference.

14. Consideration of any proposal for the Convention and its existing Protocols

Proposals for amendments to the Convention and its annexed Protocol II are included in the Final Report of the Group of Governmental Experts as annex I (document CCW/CONF.I/1). Pursuant to Rule 29, of the draft rules of procedure, these proposals shall constitute the basic proposals for consideration by the Conference, under this item.

15. Consideration of proposals for additional Protocols to the Convention

A proposal for an additional Protocol IV is included in the Final Report of the Group of Governmental Experts, as annex II (document CCW/CONF.I/1). Pursuant to Rule 29 of the draft rules of procedure that proposal shall constitute the basic proposal for consideration by the Conference under this item.

16. Report of the Credentials Committee

The Conference shall take note of the Report of the Credentials Committee.

17. Reports of the Main Committees

The Conference shall take note of the Reports of the Main Committees.

18. Report of the Drafting Committee

Pursuant to Rule 36 of the draft rules of procedure, the Review Conference will establish a Drafting Committee, composed of representatives of the same States which are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference or by a Main Committee, without altering the substance of the texts, and report to the Conference or to the Main Committee as appropriate. It should also, without reopening the substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee. Representatives of other States may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

The Conference shall take note of the report of the Drafting Committee.

19. Consideration and adoption of the final documents

The Conference shall consider and adopt the final documents under this item.

20. Other matters

Any other matters may be raised as the situation warrants.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/3

2 October 1995
Original: ENGLISH

Vienna, 25 September-13 October 1995

LETTER DATED 27 SEPTEMBER 1995 FROM H.E. ANA MARIJA BEŠKER, PERMANENT REPRESENTATIVE OF THE REPUBLIC OF CROATIA TO THE UNITED NATIONS AND INTERNATIONAL ORGANIZATIONS AT VIENNA, ADDRESSED TO THE PRESIDENT OF THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

I have the honour to draw your attention to the document CCW/CONF.I/INF.3 - "List of States Parties and Signatories of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (and Protocols)", dated 22 September 1995.

The document refers to "Yugoslavia" as a state party to the Convention. The Republic of Croatia strongly objects to the inclusion of "Yugoslavia" in the list of States Parties and Signatories to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (and Protocols).

In this connection, I want to recall the relevant resolutions of the Security Council and the United Nations General Assembly concerning this issue. The Security Council resolution 777 (1992) notes that "the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist", and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations". The United Nations General Assembly agreed with the Security Council in its resolution A/47/1 of 22 September 1992.

I would also like to draw your attention to the Opinions of the Arbitration Commission of the Conference on the Former Yugoslavia, particularly Opinions No. 8, 9 and 10 of 4 July 1992. The Arbitration Commission has concluded that "the process of dissolution of the Socialist Federal Republic of Yugoslavia ... is now complete and the Socialist Federal Republic of Yugoslavia no longer exists" (Opinion No. 8), and that "the successor states to the Socialist Federal Republic of Yugoslavia must together settle all aspects of the succession by agreement ... and that none of the successor states may thereupon claim for itself alone the membership rights previously enjoyed by the former Socialist Federal Republic of Yugoslavia" (Opinion No. 9).

According to the Opinion No. 10, since there was no agreement among the successor states of the former Socialist Federal Republic of Yugoslavia as to the succession of the rights and obligations of the Socialist Federal Republic of Yugoslavia, general rules of the international law dealing with the succession of states with respect to the treaties, possessions, debts and archives should be applied. In connection with this issue the Commission states that "the Federal Republic of Yugoslavia (Serbia and Montenegro) is a new state which cannot be considered the sole successor to the Socialist Federal Republic of Yugoslavia".

The Federal Republic of Yugoslavia (Serbia and Montenegro) has, however, not acted according to the rules of international law and the aforementioned resolutions of the Security Council and the General Assembly. Moreover, it has ignored them and tried to participate in international forums as a State party to treaties and/or as a member of international organizations with the intention to create a precedent by which it might later seek to prove that it is the sole legitimate successor of the former Socialist Federal Republic of Yugoslavia.

I wish to stress that the United Nations itself and other organizations that belong to the United Nations system have confirmed the status of the Federal Republic of Yugoslavia (Serbia and Montenegro) relating to treaties and to the membership in international organizations in accordance with the above-mentioned General Assembly and Security Council resolutions. In this sense, the representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) have been not included into the lists of participants nor have been allowed to participate in the international meetings and conferences of Sates Parties of the multilateral treaties in respect of which the Secretary-General acts as depositary (i.e. CCW, CRC, CEDAW, CERD, ICCPR, etc.).

Other international organizations depositaries of multilateral treaties (i.e. World Health Organization, Council of Europe, Customs Co-operation Council, etc.) as well as governments depositaries of multilateral treaties (i.e. Non-Proliferation Treaty) have also acted in accordance with the above-mentioned United Nations decisions and international practice.

Therefore, I would kindly request Your Excellency to circulate the appropriate correction of the Conference document CCW/CONF.I/INF.3 - "List of States Parties and Signatories", dated 22 September 1995.

I would appreciate if this communication is circulated as an official document of the Review Conference of the States Parties to the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

REVIEW CONFERENCE OF THE STATES PARTIES
TO THE CONVENTION ON PROHIBITIONS OR
RESTRICTIONS ON THE USE OF CERTAIN
CONVENTIONAL WEAPONS WHICH MAY BE
DEEMED TO BE EXCESSIVELY INJURIOUS OR
TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/4*
12 October 1995

Original: ENGLISH

Vienna, 25 September-13 October 1995

Report of Main Committee III

1. The Review Conference of the States Parties to the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, at its 1st meeting, on 25 September 1995, decided to entrust Main Committee III with the mandate of "consideration of proposals for additional Protocols to the Convention".

2. Main Committee III held five meetings, from 26 September to 6 October 1995, under the Chairmanship of Ambassador Wolfgang Hoffmann of Germany. Mr. Petar Poptchev of Bulgaria served as Vice-Chairman of the Committee. Mr. Lin Kuo-Chung, Senior Political Affairs Officer of the United Nations Centre for Disarmament Affairs, served as Secretary of the Committee. During that period, the Chairman held a number of informal consultations among delegations.

3. In the course of its consideration of agenda item 15 of the Review Conference, entitled "Consideration of proposals for additional Protocols to the Convention", Main Committee III had before it the following documents:

(1) CCW/CONF.I/MCIII/WP.1 - "Blinding weapons under the laws on armed conflict", working paper submitted by the Netherlands;

(2) CCW/CONF.I/MCIII/WP.2 - "Protocol on laser weapons and blinding laser beams", working paper submitted by Austria;

(3) CCW/CONF.I/MCIII/WP.3 - "Laser protocol", working paper submitted by the United States of America;

(4) CCW/CONF.I/MCIII/WP.4 - "Paper by the Chairman - Protocol IV";

(5) CCW/CONF.I/MCIII/WP.4/Rev.1 and 2 - "Paper by the Chairman - Protocol IV";

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* Reissued for technical reasons in English only.

(6) CCW/CONF.I/MCIII/WP.5 - "Draft report of Main Committee III";

(7) CCW/CONF.I/MCIII/CRP.1 - "Protocol on blinding laser weapons - Prohibitions" submitted by Bulgaria;

(8) CCW/CONF.I/MCIII/CRP.2 - "Protocol on blinding laser weapons";

(9) CCW/CONF.I/MCIII/CRP.3 - "Protocol on blinding laser weapons" - Vice-Chairman's drafting group;

(10) CCW/CONF.I/MCIII/CRP.4 - "Draft report of Main Committee III".

4. At its 1st meeting, on 26 September, Main Committee III decided to concentrate its efforts on the question of blinding weapons and to use the text entitled "Protocol on Blinding Weapons (Protocol IV)", contained in annex II of document CCW/CONF.I/1, as the basis for its consideration of the subject. During the course of deliberations on the draft text of Protocol IV, various views were expressed and different proposals were submitted. To that effect, the questions of prohibition on the use, production, stockpiling and transfer of blinding laser weapons and the question of compliance with regard to such weapons, as well as other pertinent issues, such as the definition of "permanent blindness", including the concept of field of vision, were raised. The Committee observed that a number of those issues could be considered in the future, for example, at a review conference, taking into account scientific and technological developments.

5. At its 3rd meeting, on 3 October, the Chairman of the Committee, as a result of intensive consultations among delegations, submitted a paper on the subject (CCW/CONF.I/MCIII/WP.4) with a view to reaching consensus on a draft text of Protocol IV on blinding laser weapons. During the course of negotiations on the draft text, the Committee decided to leave the question of scope, as referred to in Article 1, to the decision of the Drafting Committee of the Review Conference, pending the agreed text on scope negotiated in Main Committee II.

6. At its 5th meeting, on 6 October, Main Committee III adopted the draft text of Protocol IV on blinding laser weapons (CCW/CONF.I/MCIII/WP.4/Rev.2) by consensus, as annexed to this report. At the same meeting, the Committee adopted the draft report (CCW/CONF.I/MCIII/WP.5) for consideration by the Review Conference, which is being issued as document CCW/CONF.I/4.

ANNEX

Protocol on Blinding Laser Weapons
(Protocol IV)

Article 1

This Protocol shall apply [.......................].

Article 2

It is prohibited to employ laser weapons specifically designed, as their sole combat function or as one of their combat functions to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices. The High Contracting Parties shall not transfer such weapons to any State or non-State entity.

Article 3

In the employment of laser systems, the High Contracting Parties shall take all feasible precautions to avoid the incidence of permanent blindness to unenhanced vision. Such precautions shall include training of their armed forces and other practical measures.

Article 4

Blinding as an incidental or collateral effect of the legitimate military employment of laser systems, including laser systems used against optical equipment, is not covered by the prohibition of this Protocol.

Article 5

For the purpose of this Protocol "permanent blindness" means irreversible and uncorrectable loss of vision which is seriously disabling with no prospect of recovery. Serious disability is equivalent to visual acuity of less than 20/200 Snellen measured using both eyes.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/5
9 October 1995

Original: ENGLISH

Vienna, 25 September-13 October 1995

Note Verbale dated 6 October 1995 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

The Permanent Mission of the Republic of Bosnia and Herzegovina to the United Nations presents its compliments to the Secretary-General of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and has the honour to forward the request to distribute the enclosed brief.

The Permanent Mission of the Republic of Bosnia and Herzegovina to the United Nations avails itself of this opportunity to renew to the Secretary-General to this Conference the assurances of its highest consideration.

ANNEX

THE PROBLEM OF MINEFIELDS AND INDIVIDUAL MINES IN THE WAR ZONE OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA

The war in Bosnia and Herzegovina lasts now for four years. The whole territory which is under the control of legal organs of Bosnia and Herzegovina is exposed to different kinds of weapons. Regarding the damages caused by individual mines in the war zone of Bosnia and Herzegovina, we are presenting the following information:

1. The demarcating line between our army and the aggressor during the year 1994 (that is the year when the mutual front has been stabilized and it did not come to significant movements) amounted to a few thousand kilometres (approximately the demarcating line was about 3,000 km). The larger part of the demarcating area was covered with minefields, but mainly the area where there were no soldiers. The prognosis is that more than 1,500,000 m^2 are covered with mines, that means that the aggressor placed between 500,000 and 700,000 on the territory of Bosnia and Herzegovina.

2. All active fronts were additionally covered with minefields and that:

(a) With regular, classical fields which were planned placed by the aggressor (more) and by our forces (less), when there was a wider demarcating area.

(b) Irregular ad hoc fields placed by the aggressor in order to protect their first lines and the background and that in order to prevent the desertion from the trenches by their soldiers because of our attacking effects.

(c) Minefields and individual mines placed during the withdrawal to the depth (placed unplanned).

3. The number of mines scattered on the terrain of the Republic of Bosnia and Herzegovina, can only be prognosticated approximately. For sure, we can speak about millions that are the different mines worth, mainly the antipersonnel plastic mines, which were manufactured in the factories of the former Yugoslavia. All kinds of mines from the arsenal of the Yugoslav People's Army (JNA) were used (dug-in mines, overground mines, booby-trap and similar ones). (The list of all our mines has the UNPROFOR).

4. The areas mostly blocked by minefields are:

- Internal demarcating line of the area of Sarajevo.
- External blockade line of Sarajevo in the area of Olovo, Vares, Breza, Visoko, further the contact area of Croation Defense Council (HVO) toward Kiseljak, the south front toward Hadzici,

Igman, Kotorac, Ilidza, Stup, Rajlovac; afterwards the wider area of the mountain of Igman, Bjelasnica, Treskavica (especially around Trnovo, the bend of Rogoj, Grebak toward Gorazde).

- Wider ring around the free territory of Gorazde.
- Wider area of Igman, Borci, toward Nevesinje and the contact lines of Croatian Defense Council (HVO) toward Trebinje.
- The entire zone of the 2nd and 3rd corps, particularly the mountain Ozren (Vozuca and Petrovo village), Majevica (Stolice, Teocak) and the entire zone in Posavina, Gradacac and Orasje.
- The area toward Gornji Vakuf, Vlasic and Kupres in the zone of the 7th corps.
- The area of the 5th corps (wider area of the mountain of Grmec, Bosanska Krupa, Velika Kladusa and the mountain of Plesevica).
- Larger part of the area in Central Bosnia (Kiseljak, Busovaca, Novi Travnik, Fojnica) during the conflicts between the Croatian Defense Council (HVO) and the Army of the Republic of Bosnia and Herzegovina.
- Areas toward the former lines of the Croation Defense Council (HVO) in the area of Livno and Glamoc.
- Along the river Sava toward the Republic of Croatia (protection of possible invasion of the Croation army over the river of Sava), particularly in the last few months.
- Some areas are endangered because of mines which were thrown out by the means of cassette bombs. That was at the beginning of the war. The areas around Tuzla, Gradacac, Teocak, wider region of Bihac, Srebrenica and Zepa (little bombs which explode by touch or by removal of a decorative ribbon).

5. Consequences

On the side of the Army of the Republic of Bosnia and Herzegovina, 70 per cent of the killed and injured, are the result of activating the mines or entire minefields (the number can be told approximately, because the situation of this year is not yet known, when there were our biggest offensive actions, that means obligated passing through minefields. About 10,000 persons were injured or killed by the mines during this war. According to the information of the hospital for rehabilitation and manufacturing of artificial limbs in Tuzla, during the last two years, 600 temporary artificial limbs were produced. And the same ones can be put on six to nine months after the amputation. The cause and effect of 90 per cent of injured during the last actions around Sarajevo, were minefields).

The assumption is, that between the soldiers of the Croatian Defense Council (HVO) there are about 40 per cent of injured and killed as a result of mines. The Serbian aggressor did not have significant consequences, because during the phase of their war of conquest in 1992 and 1993, our army did not possess significant mines and explosive means. Nevertheless, through the military reports and through the media it has come to light about a large number of people with amputated limbs as a result of own unmarked minefields. It can be said, that because of the mines, there are about 25-30 per cent of injured or killed soldiers of the so-called Army of the Serbian Republic (VRS). One lower leg prosthesis costs around 10,000 DM, one hand and arm prosthesis of high quality costs about 25,000 DM. An upper leg prosthesis costs over 15,000 DM, and an electronic wheelchair up to 100,000 DM. Rehabilitation and disability pension costs our State yearly (average) about 50-60,000 per person. One operation (together with the surgical correction), costs in Austria about S20,000, that is about 30,000 DM.

6. The needs

(1) Acquisition of aircrafts without pilot with sensors for metallic, plastic and combined mines, which can discover the existence of minefields and the possible kind of mines, as well as the possibility of automatic registration of the position and dimension on digitalized maps over the computer.

(2) Acquisition of individual personnel mine detectors, firstly for plastic antipersonnel mines.

(3) Acquisition of tools for detailed clearing of big fields of the newest generation from the stock of NATO.

(4) Acquisition of special shoes, protecting overcoats and helmets for people working on the clearing of mines.

(5) Usage of trained dogs in order to discover individual and accidentally scattered mines (this method is used by the 2nd corps, but they have only a small number of trained dogs, breed labrador, which can be taught to register the smell of explosives under the earth.

(6) Acquisition of special explosive ropes with rockets to pull in order to clear the fields and to produce passages into unreachable low fields (minefields on steep sides, water areas, mud and similar). This rope is being used by the American Army in order to make passages through minefields in attacking situations. Now it is a military secret and a severe controlled production. However, that method will only be used to clear the fields in regard to the terrain and conditions of our mountains. Other means cannot be used or they would be a great risk for the people who are clearing the terrain.

7. Proposal

Prohibition of the use of plastic antipersonnel mines, cassette bombs with timed mines, booby-traps of the type of a Spanish ball of the newest generation, intelligent mines with electronic heads and others.

In one word, prohibition of all kinds of mines, because modern armies have the means to eliminate them. In further wars to the big ones that is not a problem. Only small countries and poor armies suffer. The big ones have the means for prevention.

REVIEW CONFERENCE OF THE STATES PARTIES
TO THE CONVENTION ON PROHIBITIONS OR
RESTRICTIONS ON THE USE OF CERTAIN
CONVENTIONAL WEAPONS WHICH MAY BE
DEEMED TO BE EXCESSIVELY INJURIOUS OR
TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/6*
11 October 1995

Original: ENGLISH

Vienna, 25 September-13 October 1995

Report of the Credentials Committee

1. Rule 4 of the Rules of Procedure of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects provides that:

"1. There shall be a Credentials Committee of five members elected by the Conference on the proposal of the President.

"2. The Credentials Committee shall examine the credentials of representatives and report to the Conference."

2. In accordance with the above-mentioned Rule, the Conference, on the proposal of the President, appointed the following countries as members of the Credentials Committee: Belgium, China, Finland, Pakistan and Poland.

3. In accordance with Rule 6 of its Rules of Procedure, the Conference unanimously elected Professor Zdzislaw Galicki (Poland) as Chairman of the Credentials Committee and Ambassador Baron Alain Guillaume (Belgium) as Vice-Chairman of the Committee. Ms. Cheryl H. Stoute, Political Affairs Officer of the United Nations Centre for Disarmament Affairs, served as Secretary of the Committee.

4. The Committee held its 1st and 2nd meetings on 28 September and 6 October 1995, respectively, to examine the credentials received as of those dates. In addition to oral reports by the Secretary-General of the Conference, Mr. Sohrab Kheradi, Deputy Director of the United Nations Centre for Disarmament Affairs, the Committee also had before it two memoranda from the Secretary-General of the Conference, dated 28 September and 6 October, containing information on the status of the credentials of the representatives of the States Parties attending the Conference. Pursuant to Rule 4 of the Rules of Procedure, the Chairman, on behalf of the Committee, initially reported to the General Committee, at its 2nd meeting, on 29 September 1995, on the status of the credentials of the States Parties.

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* Reissued for technical reasons.

5. Noting the information reported by the Secretary-General, the Committee requested the Chairman to invite those States Parties that had not yet done so to submit to the Secretary-General of the Conference the credentials of their representatives in accordance with Rule 3 of the Rules of Procedure. The Chairman decided that he would contact those States directly to remind them of the terms of Rule 3 regarding the presentation of their credentials.

6. At its 3rd and final meeting, on 11 October, the Committee had before it a memorandum from the Secretary-General of the Conference which gave updated information on the status of the credentials of representatives of States Parties participating in the Conference.

7. Having examined the information contained in the Secretary-General's three memoranda, as well as the documentation received from States Parties and States not parties to the Convention, the Committee noted that, as at 10 a.m. on 11 October 1995:

I. States Parties

(a) Formal credentials in due form, as provided for by Rule 3 of the Rules of Procedure, had been communicated to the Secretary-General of the Conference for representatives from the following 40 States Parties:

Australia, Austria, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Mexico, Netherlands, New Zealand, Norway, Pakistan, Poland, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America;

(b) Credentials of the representatives of the following four States Parties had been communicated to the Secretary-General of the Conference in the form of telefax copy from their Foreign Ministers:

Bosnia and Herzegovina, Mongolia, Slovenia and Uruguay.

II. States not Parties

The following States not parties to the Convention, which had been among those invited as observers, had accredited their representatives:

(a) States which have signed and ratified or acceded to the Convention: Argentina, Brazil, Romania and South Africa;

(b) Signatories: Egypt, Iceland, Luxembourg, Morocco, Nicaragua, Philippines, Portugal, Sudan, Turkey and Viet Nam;

(c) Non-signatories: Albania, Angola, Bolivia, Burundi, Cambodia, Chile, Colombia, Ethiopia, Gabon, Holy See, Indonesia, Iran (Islamic Republic of), Jordan, Libyan Arab Jamahiriya, Mozambique, Oman, Paraguay, Peru, Republic of Korea, Republic of Moldova, Saudi Arabia, Singapore, Syrian Arab Republic, Thailand, United Republic of Tanzania and Venezuela.

8. On the proposal of the Chairman, the Committee agreed to accept the credentials of those States Parties referred to in paragraph 7 I (a) and (b), above, on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 7 I (b) would be submitted as soon as possible, in accordance with Rule 3 of the Rules of Procedure.

9. In view of the foregoing, the present report is submitted to the Conference.

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

10. The Credentials Committee recommends to the Conference the adoption of the following draft resolution:

> **"Report of the Credentials Committee to the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects**
>
> *"The Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,*
>
> "*Having considered* the report of the Credentials Committee and the recommendation contained therein,
>
> "*Approves* the report of the Credentials Committee."

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/7
12 October 1995

Original: ENGLISH

Vienna, 25 September-13 October 1995

ADDITIONAL PROTOCOL TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

ARTICLE 1: ADDITIONAL PROTOCOL

The following protocol shall be annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects ("the Convention") as Protocol IV:

"Protocol on Blinding Laser Weapons
(Protocol IV)

Article 1

It is prohibited to employ laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices. The High Contracting Parties shall not transfer such weapons to any State or non-State entity.

Article 2

In the employment of laser systems, the High Contracting Parties shall take all feasible precautions to avoid the incidence of permanent blindness to unenhanced vision. Such precautions shall include training of their armed forces and other practical measures.

Article 3

Blinding as an incidental or collateral effect of the legitimate military employment of laser systems, including laser systems used against optical equipment, is not covered by the prohibition of this Protocol.

Article 4

For the purpose of this Protocol 'permanent blindness' means irreversible and uncorrectable loss of vision which is seriously disabling with no prospect of recovery. Serious disability is equivalent to visual acuity of less than 20/200 Snellen measured using both eyes."

ARTICLE 2: ENTRY INTO FORCE

This Protocol shall enter into force as provided in paragraphs 3 and 4 of Article 5 of the Convention.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/8/Rev.1
16 October 1995

Original: ENGLISH

Vienna, 25 September-13 October 1995

INTERIM REPORT OF THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Organization and work of the Conference

Introduction

1. The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, under Article 8, subparagraph 3 (a), reads, _inter alia_, as follows:

> "If, after a period of ten years following the entry into force of this Convention, no conference has been convened in accordance with subparagraph 1 (a) or 2 (a) of this Article, any High Contracting Party may request the Depositary to convene a conference to which all High Contracting Parties shall be invited to review the scope and operation of this Convention and the Protocols annexed thereto and to consider any proposal for amendments of this Convention or of the existing Protocols. States not parties to this Convention shall be invited as observers to the conference. The conference may agree upon amendments which shall be adopted and enter into force in accordance with subparagraph 1 (b) above."

2. On 16 December 1993, the General Assembly adopted resolution 48/79, which, _inter alia_, reads as follows:

> "5. _Welcomes_ the request to the Secretary-General to convene at an appropriate time, if possible in 1994, in accordance with article 8, paragraph 3, of the Convention, a conference to review the Convention;
>
> "6. _Encourages_ the States parties to request the Secretary-General to establish as soon as possible a group of governmental experts to prepare the review conference and to furnish needed assistance and assure service, including the preparation of analytical reports that the review conference and the group of experts might need;

> "7. Calls upon the maximum number of States to attend the conference, to which the States parties may invite interested non-governmental organizations, in particular the International Committee of the Red Cross."

3. On 22 December 1993, States Parties to the Convention submitted a letter to the Secretary-General of the United Nations, which reads as follows:

> "Pursuant to article 8, paragraph 3 (a) of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, concluded in Geneva on 10 October 1980, the French Government, by letter dated 9 February 1993, requested that at the earliest possible date, as from 2 December 1993, you, in your capacity of depositary of the Convention, convene a conference of the High Contracting Parties to review the provisions of the Convention.
>
> With a view to facilitating preparations for this Conference, the States Parties to the Convention have the honour to request that you establish a group of experts. This group, which would meet firstly in Geneva early in 1994, at a date to be determined, would comprise governmental experts appointed by the States Parties to the Convention. Governmental experts designated by States not Parties to the Convention and representatives of the International Committee of the Red Cross could participate in the work of the group as observers. This group of governmental experts would decide whether representatives of other competent non-governmental organizations or competent individuals should participate as well.
>
> The group of governmental experts will have to establish its rules of procedure, its agenda, its financial arrangements and its programme of work. As a matter of priority, it will have to prepare concrete proposals for amendments to Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices for the purpose of:
>
> - strengthening restrictions on the use of anti-personnel mines and, in particular, those without neutralizing or self-destruction mechanisms;
>
> - considering the establishment of a verification system for the provisions of this Protocol;
>
> - studying opportunities for broadening the scope of this Protocol to cover armed conflicts that are not of an international character.

Once the group of governmental experts have made significant progress in their efforts to amend Protocol II, the group also could consider any other proposal relating to the Convention and its existing or future Protocol.

In the light of the progress in its work, in particular with regard to Protocol II, the group of experts should:

- recommend, in conjunction with you, the dates and venue of the conference to review the Convention and its Protocols; and
- determine, in consultation with you, how the Review Conference will be organized and financed.

The group of experts should report to the States Parties before the end of 1994 on the results of its work on amendments to Protocol II of the Convention."

4. Accordingly, the Secretary-General of the United Nations, in his capacity as Depositary of the Convention, established the Group of Governmental Experts to Prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. The Group of Governmental Experts held four sessions in Geneva as follows: the first session took place from 28 February to 4 March 1994, the second from 16 to 27 May 1994, the third from 8 to 19 August 1994 and the fourth from 9 to 20 January 1995. Progress reports on those four sessions of the Group of Governmental Experts were issued as documents CCW/CONF.I/GE/4, CCW/CONF.I/GE/8, CCW/CONF.I/GE/21 and CCW/CONF.I/GE/23.

5. The following 33 States Parties to the Convention participated in the work of one or more sessions of the Group of Governmental Experts:

Australia
Austria
Benin
Bulgaria
Canada
China
Croatia
Cuba
Cyprus
Czech Republic
Denmark
Finland
France
Germany
Greece
Hungary
India
Japan
Latvia
Mexico
Netherlands
New Zealand
Norway
Pakistan
Poland
Russian Federation
Slovakia
Slovenia
Spain
Sweden
Switzerland
Tunisia
Ukraine

The following 33 States non-parties to the Convention participated in the work of the Group as observers:

- Afghanistan
- Algeria
- Angola
- Argentina
- Belgium
- Brazil
- Cambodia
- Canada 1/
- Chile
- Colombia
- Egypt
- Ethiopia
- Iran (Islamic Republic of)
- Ireland
- Israel
- Italy
- Jamaica
- Jordan
- Kenya
- Kuwait
- New Zealand 2/
- Nicaragua
- Oman
- Peru
- Portugal
- Republic of Korea
- Romania
- South Africa
- Spain 3/
- Syrian Arab Republic
- Turkey
- United Kingdom of Great Britain and and Northern Ireland
- United States of America

The International Committee of the Red Cross took part in the work of the Group, pursuant to the invitation issued by the Secretary-General of the United Nations, the Depositary of the Convention. The United Nations Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund also took part in the work of the Group as observers.

6. At its first session on 28 February 1994, the Group of Governmental Experts elected, by acclamation, Mr. Johan Molander of Sweden as Chairman, with the understanding that in his absence Ambassador Lars Norberg of Sweden would act as Chairman at the first session of the Group. When assuming his Chairmanship, the Chairman made a remark on the non-participation of the Federal Republic of Yugoslavia (Serbia and Montenegro). The Group also elected Major General C. Narain of India and Mr. Peter Poptchev of Bulgaria as Vice-Chairmen. Mr. Sohrab Kheradi, Deputy Director of the United Nations Centre for Disarmament Affairs, Department of Political Affairs, opened the session of the Group of Governmental Experts and made a statement. Mr. Kheradi also served as Secretary of the Group.

1/ Canada participated in the work of the Group of Governmental Experts at its first, second and third sessions as an observer.

2/ New Zealand participated in the work of the Group of Governmental Experts at its first session as an observer.

3/ Spain participated in the work of the Group of Governmental Experts at its first and second sessions as an observer.

7. Pursuant to the decision of the Group of Governmental Experts, the following background papers were prepared:

(1) "Summary of negotiations leading to the conclusion of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and of subsequent developments related to the Convention", prepared by the Secretariat of the United Nations;

(2) "The rationale for amending and the ways and means of improving Protocol II of the Convention, as well as the military and humanitarian perspectives concerning the amendment of Protocol II of the Convention", prepared by the International Committee of the Red Cross;

(3) "The rationale for considering other proposals relating to the Convention and its existing or future Protocols", prepared by the International Committee of the Red Cross.

8. At its fourth session, the Group of Governmental Experts considered organizational matters for the Review Conference and adopted its final report, which was issued as a document of the Conference (CCW/CONF.I/1) prior to its opening. The report included (a) the draft provisional agenda for the Conference; (b) draft rules of procedure; (c) the Chairman's Rolling Text on amendments to Protocol II of the Convention; and (d) a draft Protocol on Blinding Weapons (Protocol IV).

Organization of the first phase of the Conference

9. In accordance with the decision of the Group of Governmental Experts, the first phase of the Review Conference was held in Vienna from 25 September to 13 October 1995 at the Austria Center Vienna and the Vienna International Centre. On 25 September, the Conference was opened by the Chairman of the Group of Governmental Experts, Ambassador Johan Molander of Sweden, who was subsequently elected by acclamation as President of the Conference.

10. At the opening meeting, the Conference adopted its agenda (CCW/CONF.I/2) and its Rules of Procedure (Annex III of document CCW/CONF.I/1), as amended, which were recommended by the Group of Governmental Experts. The Conference also unanimously confirmed the nomination of Mr. Sohrab Kheradi, Deputy Director of the United Nations Centre for Disarmament Affairs, as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations, following an invitation by the Group of Governmental Experts.

11. The Rules of Procedure provided for the establishment of (a) three Main Committees; (b) a General Committee, to be presided over by the President of the Conference and composed of the Chairmen and Vice-Chairmen of the Conference's three Main Committees, its Drafting Committee and its Credentials

Committee, as well as 10 Vice-Presidents of the Conference; (c) a Drafting Committee, composed of representatives of the 21 States Parties represented on the General Committee, but open to representatives of other delegations when matters of particular concern to them were under discussion; and (d) a Credentials Committee, composed of a Chairman and a Vice-Chairman elected by the Conference, and three other members appointed by the Conference on the proposal of the President.

12. At its 1st meeting, the Conference unanimously elected 10 Vice-Presidents from the following States Parties:

Austria
China
France
India
Mexico
Russian Federation
Slovakia
Tunisia
Ukraine
United States of America

13. At the same meeting, the Conference unanimously elected the Chairmen and Vice-Chairmen of the three Main Committees, the Drafting Committee and the Credentials Committee, as follows:

Main Committee I	Chairman	Ambassador Tibor Tóth (Hungary)
	Vice-Chairman	Ambassador Jaap Ramaker (Netherlands)
Main Committee II	Chairman	Ambassador Jorge Morales Pedraza (Cuba)
	Vice-Chairman	Ambassador Richard G. Starr (Australia)
Main Committee III	Chairman	Ambassador Wolfgang Hoffmann (Germany)
	Vice-Chairman	Mr. Peter Poptchev (Bulgaria)
Drafting Committee	Chairman	Ambassador Mark J. Moher (Canada)
	Vice-Chairman	Mr. Taoufik Jabeur (Tunisia)
Credentials Committee	Chairman	Prof. Zdzislaw Galicki (Poland)
	Vice-Chairman	Ambassador Baron Alain Guillaume (Belgium)

14. The Conference also appointed, on the proposal of the President, representatives from the following three States Parties as members of the Credentials Committee: China, Finland and Pakistan.

Participation in the first phase of the Conference

15. The following 44 States Parties to the Convention participated in the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects:

Australia
Austria
Belarus
Belgium
Bosnia and Herzegovina
Bulgaria
Canada
China
Croatia
Cuba
Cyprus
Czech Republic
Denmark
Ecuador
Finland
France
Germany
Greece
Hungary
India
Ireland
Israel
Italy
Japan
Latvia
Liechtenstein
Mexico
Mongolia
Netherlands
New Zealand
Norway
Pakistan
Poland
Russian Federation
Slovakia
Slovenia
Spain
Sweden
Switzerland
Tunisia
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay

16. In accordance with Rule 1 of the Rules of Procedure, the following 40 States non-parties to the Convention participated in the Conference as observers:

Albania
Angola
Argentina
Bolivia
Brazil
Burundi
Cambodia
Chile
Colombia
Egypt
Ethiopia
Gabon
Holy See
Iceland
Indonesia
Iran (Islamic Republic of)
Jordan
Libyan Arab Jamahiriya
Luxembourg
Morocco
Mozambique
Nicaragua
Oman
Paraguay
Peru
Philippines
Portugal
Republic of Korea
Republic of Moldova
Romania
Saudi Arabia
Singapore
South Africa
Sudan
Syrian Arab Republic
Thailand
Turkey
United Republic of Tanzania
Venezuela
Viet Nam

17. In accordance with Rules 46, 47 and 48 of the Rules of Procedure, representatives of the United Nations Children's Fund, United Nations Department of Humanitarian Affairs, United Nations Development Programme,

United Nations High Commissioner for Refugees, European Community, League of Arab States, International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies participated in the Conference as observers. In accordance with Rule 49 of the Rules of Procedure, a number of non-governmental organizations attended public meetings of the Conference and its Main Committees.

18. The Conference adopted, at its 1st meeting, the arrangements for meeting the costs of the Conference in accordance with Rule 16 of the Rules of Procedure. The final schedule was based on the actual participation of States in the Conference.

19. Also, at its 1st meeting, the Conference adopted its programme of work and decided to distribute its work among the three Main Committees as follows:

(a) Main Committee I: Review of the scope and operation of the Convention and its annexed Protocols, consideration of any proposals relating to the Convention and preparation and consideration of the final documents;

(b) Main Committee II: Consideration of any proposal relating to the Protocols annexed to the Convention;

(c) Main Committee III: Consideration of proposals for additional Protocols to the Convention.

Work of the first phase of the Conference

20. The Conference held eight plenary meetings from 25 September to 13 October 1995 under the Presidency of Ambassador Johan Molander.

21. At its 2nd meeting, on 26 September, the Conference received a message from the Secretary-General of the United Nations which was delivered through a video broadcast. Subsequently, the Conference held a general exchange of views from 26 to 28 September. A number of delegations as well as non-governmental organizations participated in that exchange of views.

22. Main Committee I held eight meetings from 28 September to 11 October.

23. Main Committee II held 10 meetings from 26 September to 10 October.

24. Main Committee III held five meetings from 26 September to 6 October and submitted its report (CCW/CONF.I/4) to the Conference at its 7th meeting, on 12 October.

25. The Credentials Committee held three meetings between 28 September and 11 October and submitted its report (CCW/CONF.I/6) as orally amended, to the Conference at its 8th meeting, on 13 October.

26. The Drafting Committee held one meeting on 12 October. The Chairman of the Drafting Committee presented an oral report on the work of the Committee to the Conference at its 8th meeting, on 13 October.

Documentation

27. A list of the documents of the Conference is annexed.

Decisions of the first phase of the Conference

28. At its 7th meeting, on 12 October, the Conference decided to take note of the report of Main Committee III and to transmit it to the Drafting Committee for its consideration. The Conference also decided that, in view of the additional time needed to complete its work, it would suspend its work on 13 October 1995 and would continue it at a resumed session, the venue and the date of which would be decided at its 8th meeting.

29. At its 8th meeting, on 13 October, the Conference, by consensus:

(a) Took note of the report of the Credentials Committee (CCW/CONF.I/6);

(b) Adopted the text of the Protocol on Blinding Laser Weapons (Protocol IV) (CCW/CONF.I/7);

(c) Adopted the report on the organization and work of the first phase of the Conference (CCW/CONF.I/8), as orally amended, to be reissued as document CCW/CONF.I/8/Rev.1;

(d) Decided to continue its work at resumed sessions, to be held in Geneva from 15 to 19 January 1996 and from 22 April to 3 May 1996.

Annex

LIST OF DOCUMENTS

Symbol	Title or description
CCW/CONF.I/1	"Final Report of the Group of Governmental Experts to prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects"
CCW/CONF.I/2	"Provisional agenda"
CCW/CONF.I/3	"Letter dated 27 September 1995 from H.E. Ana Marija Bešker, Permanent Representative of the Republic of Croatia to the United Nations and International Organizations at Vienna, addressed to the President of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects"
CCW/CONF.I/4	"Report of Main Committee III"
CCW/CONF.I/5	"Note verbale dated 6 October 1995 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons"
CCW/CONF.I/6	"Report of the Credentials Committee"
CCW/CONF.I/7	"Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects - Protocol on Blinding Laser Weapons (Protocol IV)"
CCW/CONF.I/8/Rev.1	"Interim Report of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects"

Symbol	Title or description
CCW/CONF.I/WP.1	"Main Committee I - Draft Final Declaration"
CCW/CONF.I/WP.2/Add.1	"Main Committee II - Working documents"
CCW/CONF.I/WP.3	"Compilation of proposals"
CCW/CONF.I/WP.4	"President's text"
CCW/CONF.I/MCII/WP.1	"Article 2: Definitions", working paper submitted by the Russian Federation
CCW/CONF.I/MCII/WP.2	"Article 6 _ter_: Transfers", working paper submitted by the Russian Federation
CCW/CONF.I/MCII/WP.3	"Introductory statement for an additional paragraph in Article 4", working paper submitted by Australia
CCW/CONF.I/MCII/WP.4*	"Chairman's Rolling Text" (revised, after first reading) (Articles 1-12 and Technical Annex), informally submitted in English only for negotiating purposes
CCW/CONF.I/MCII/WP.4/1	"Informal paper number one", submitted by the Chairman (Article 1)
CCW/CONF.I/MCII/WP.4/2	"Informal paper number two", submitted by the Chairman (Article 2 and proposals by Cuba, Russian Federation, India, South Africa and Austria; Technical Annex and proposals by Ireland, Slovakia, India and the United States of America)
CCW/CONF.I/MCII/ WP.4/2/Add.1	"Chairman's Draft Paper" (Article 2 and proposals by Cuba, Russian Federation, India, South Africa and Austria; Technical Annex and proposals by Ireland, Slovakia, India and the United States of America)

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* A preliminary version of this document (CCW/CONF.I/MCII/WP.4) was unofficially circulated earlier in English only for negotiating purposes. Subsequently, other documents were also circulated with official symbols in the same series, for negotiating purposes (e.g. CCW/CONF.I/MCII/WP.4/1, CCW/CONF.I/MCII/WP.2 and CCW/CONF.I/MCII/WP.4/8).

Symbol	Title or description
CCW/CONF.I/MCII/WP.4/3	"Informal paper number three", submitted by the Chairman (Article 3 and proposals by Belgium, International Committee of the Red Cross, India, Israel and UNICEF; Article 4 and proposals by Sweden, International Committee of the Red Cross, Israel and Australia; Article 5 and proposals by Cuba, Pakistan, India and China; Article 5 bis and proposals by India and Italy)
CCW/CONF.I/MCII/WP.4/3/ Add.1 and Rev.1	"Chairman's Draft Paper" (Articles 3, 4, 5 and 6)
CCW/CONF.I/MCII/WP.4/4	"Informal paper number four", submitted by the Chairman (Article 6 bis and proposal by Chile; Article 6 ter and proposals by China, Russian Federation, India, Slovakia and Chile)
CCW/CONF.I/MCII/WP.4/4/ Add.1 and Rev.1 and 2	"Chairman's Draft Paper" (Articles 6 bis and 6 ter)
CCW/CONF.I/MCII/WP.4/5	"Informal paper number five", submitted by the Chairman (Article 7 and proposal by China; Article 8 and proposal by the United Kingdom of Great Britain and Northern Ireland and Article 9)
CCW/CONF.I/MCII/WP.4/5/ Add.1 and Rev.1	"Chairman's Draft Paper" (Articles 7, 8 and 9)
CCW/CONF.I/MCII/WP.4/6	"Informal paper number six", submitted by the Chairman (Article 9 bis and proposals submitted by Japan, Ecuador and Mexico)
CCW/CONF.I/MCII/WP.4/6/ Add.1	"Chairman's Draft Paper" (Article 9 bis)
CCW/CONF.I/MCII/WP.4/7	"Informal paper number seven", submitted by the Chairman (Alternative A, B and C, Articles 10, 11 and 12 and proposals by Cuba, Japan and proposal by the Chairman)
CCW/CONF.I/MCII/WP.4/8	"Declaratory language relating to landmines" (Article 3, para. 10, and proposals by Chile and the United States of America)

Symbol	Title or description
CCW/CONF.I/MCII/WP.5	"Protocol II, Article 6 *ter*: Transfers", working paper submitted by Australia, Canada, Chile, Croatia, Denmark, Germany, Ireland, Japan, the Netherlands, New Zealand, Norway, Poland, South Africa, Sweden, Switzerland and Ukraine
CCW/CONF.I/MCII/WP.6	"Proposal concerning the organization of mine clearance", submitted by Ukraine
CCW/CONF.I/MCII/WP.7	"Proposals concerning the participation of Ukraine in mine clearance", submitted by Ukraine
CCW/CONF.I/MCII/WP.8	"On the establishment by Ukraine of a moratorium on the export of anti-personnel mines", submitted by Ukraine
CCW/CONF.I/MCIII/WP.1	"Blinding weapons under the laws on armed conflict", working paper submitted by the Netherlands
CCW/CONF.I/MCIII/WP.2	"Protocol on laser weapons and blinding laser beams", working paper submitted by Austria
CCW/CONF.I/MCIII/WP.3	"Laser protocol", working paper submitted by the United States of America
CCW/CONF.I/MCIII/WP.4 and Rev.1 and 2	"Paper by the Chairman - Protocol IV"
CCW/CONF.I/MCIII/WP.5	"Draft report of Main Committee III"
CCW/CONF.I/SR.1-8	Summary records of the 1st to 8th meetings
CCW/CONF.I/INF.1	"Information for participants"
CCW/CONF.I/INF.2/Rev.1	"Proposed programme of work"
CCW/CONF.I/INF.3 and Add.1 and 2	"List of States parties and signatories"
CCW/CONF.I/INF.4	"List of offices and telephone numbers"
CCW/CONF.I/INF.5/Rev.1	"List of participants"

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/9
15 January 1996

Original: ENGLISH

Geneva, 15-19 January 1996

Note verbale dated 25 October 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other International Organizations in Geneva

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Centre for Disarmament Affairs, Geneva Branch, and has the honour to enclose herewith the Reply of the Federal Ministry for Foreign Affairs of the Federal Republic of Yugoslavia to the letter of the Permanent Representative of Croatia to the President of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects, and kindly requests the latter to transmit this Reply to all the States Parties to the above Convention, to the President of the Review Conference held in Vienna from 25 September to 13 October 1995 and to the Deputy Director of the Centre for Disarmament and Seretary-General of the Review Conference, Mr. Sohrab Kheradi, New York.

Annex

Reply to the letter of the Permanent Representative of the Republic of Croatia to the United Nations Office in Vienna addressed to the President of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

Further to the letter of the Permanent Representative of the Republic of Croatia to the United Nations Office in Vienna addressed on 27 September 1995 to the President of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to have Indiscriminate Effects, it should be pointed out first of all that United Nations Security Council resolution 777 and United Nations General Assembly resolution 47/1 are neither related to, nor applicable to the regulation of rights and obligations under international treaties.

The above resolutions are related exclusively to the status of the Federal Republic of Yuguslavia in the United Nations General Assembly and, as such, cannot be applied to Yugoslavia's status as a party to any international treaty. The United Nations Legal Counsel in his Opinion of 16 November 1993 stated, inter alia, that: "The status of Yugoslavia as a party to treaties was not affected by the adoption of resolution 47/1 of 22 September 1992. By that resolution, the General Assembly decided that the Federal Republic of Yugoslavia shall not participate in the work of the General Assembly. It did not address Yugoslavia's status as a party to treaties."

A similar situation is with the advisory opinions of the Arbitration Commission of the International Conference on the former Yugoslavia. Furthermore, the Federal Republic of Yugoslavia has, on a number of occasions, stated very clearly that it does not accept these opinions, which although of an advisory nature, are essentially not legally binding acts.

The Federal Republic of Yugoslavia continues the State international and legal personality of the former SFRY and strictly respects all international obligations undertaken by the former Yugoslavia. Proceeding from this, it is obvious that the Federal Republic of Yugoslavia is a party to the treaty and that in this capacity it enjoys all rights and obligations, including the right to be named in the list of States Parties, which the depositary has done in the usual way. As in the case of other international treaties, the Federal Republic of Yugoslavia shall, in this case as well, fulfil in good faith its obligations under international treaties, respecting above all the principle that the rights and obligations which it has as a State party to the treaty are interconnected and inseparable.

The Federal Republic of Yugoslavia is not a successor of the SFRY, therefore it cannot be its sole successor either, but the preceding State. As far as the assets and liabilities and their division are concerned, this question is being dealt with within the Working Group on Succession Issues of the International Conference on the Former Yugoslavia. The Federal Republic of Yugoslavia, as a preceding State, only continues the international legal personality of the former SFRY following the secession of some of its parts.

It is unfortunate, however, that the Permanent Representative of the Republic of Croatia is attempting, using erroneous arguments and interpreting them maliciously, to politicize and abuse the work of the Review Conference of the States Parties to the Convention.

Neither Croatia nor any other seceded part of the former SFRY has any right to deny the freely expressed will and the exercise of the right to self-determination of the peoples who have decided to remain in Yugoslavia, which continues to exist under the name of the Federal Republic of Yugoslavia incorporating almost a half of the territory and population of the preceding State.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/10
12 January 1996

Original: ENGLISH

Geneva, 15-19 January 1996

ESTIMATED COSTS OF THE RESUMED SESSIONS OF THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Note by the Secretariat

1. During the first phase of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects held in Vienna from 25 September 1995 through 13 October 1995, the Conference decided *inter alia* that, in view of the additional time needed to complete its work, it would suspend its work on 13 October 1995 and would continue it at resumed sessions, to be held in Geneva from 15 January to 19 January 1996 and from 22 April to 3 May 1996 (paras. 28 and 29 of CCW/CONF.I/8/Rev.1 dated 16 October 1995 refers).

2. The costs of the first and second resumed sessions of the Review Conference are presently estimated at $411,800 and $937,900, respectively. These estimates are inclusive of pre-session, in-session and post-session documentation costs. A detailed breakdown of the estimated costs is provided in Annexes I and II for the respective sessions.

3. It should be noted that the costs are estimated on the basis of past experience and anticipated workload. The actual costs will only be determined after closure of the sessions when the exact workload is known. At that time, any adjustment in the contributions by the participants sharing the costs will be made accordingly.

4. In accordance with the cost sharing applied for the first phase of the Review Conference, the costs of the resumed sessions will be shared among the States Parties to the Convention participating in the resumed sessions based on the United Nations scale of assessment pro-rated to take into account the number of States Parties participating in the sessions. States which are not States Parties to the Convention and which accept the invitation to take part in the sessions will share in the costs to the extent of their respective rates of assessment under the United Nations scale.

5. In line with past practice, assessment notices will be prepared based on the overall estimated costs for the resumed sessions of the Review Conference and the cost-sharing formula outlined in the preceding paragraph. Since the holding of the resumed sessions of the Review Conference shall have no financial implications for the regular budget of the Organization, States Parties should proceed with the payment of their share of the estimated costs as soon as assessment notices have been received.

ANNEX I

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS
(RESUMED SESSION)

(15-19 JANUARY 1996)

A. CONFERENCE - SERVICING COSTS

	Meeting services ($)	Pre-session documentation ($)	In-session documentation ($)	Post-session documentation ($)	Summary record documentation ($)	Other requirements ($)	TOTAL ($)
Interpretation	97 300						97 300
Meeting room Attendant	4 100						4 100
Conference Officer	1 100						1 100
Editor	800						800
Translation		3 400	16 300	12 900	22 900		55 500
Revision		1 600	6 700	5 200	6 700		20 200
Translation/Self-revision		3 400	18 300	14 000	0		35 700
Typing		2 900	12 900	10 400	16 600		42 800
Reproduction		2 500	12 300	9 900	9 700		34 400
Distribution		4 100	20 600	4 100	5 400		34 200
Secretaries						4 600	4 600
Sound Technicians						5 300	5 300
Messenger						1 000	1 000
Document distribution officer						1 000	1 000
Overtime						6 100	6 100
Rental of equip. & supplies/Communications						1 300	1 300
SUB-TOTAL	103 300	17 900	87 100	56 500	61 300	19 300	345 400

B. NON-CONFERENCE SERVICING COSTS		
(a) Estimated travel and daily subsistence allowance in respect of substantive staff to service the Review Conference.		$10 900
1 Deputy Director and Secretary-General of the Conference (10-19 January 1996), 1 Senior Political Affairs Officer (11-22 January 1996) and 1 secretarial assistance (10-19 January 1996).		
(b) Office of the Secretary-General of the Conference (Special post allowance, representation allowance and hospitality).		$6 000
C. PRESS COVERAGE		$ 2 100
	SUB-TOTAL	$364 000
D. PROGRAMME-SUPPORT COSTS (13% OF CONFERENCE AND NON-CONFERENCE SERVICING COSTS)		$47 400
E. GRAND TOTAL		$411 800

ANNEX II

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS (RESUMED SESSION)

(22 APRIL - 3 MAY 1996)

A. CONFERENCE - SERVICING COSTS

	Meeting services ($)	Pre-session documentation ($)	In-session documentation ($)	Post-session documentation ($)	Summary record documentation ($)	Other requirements ($)	TOTAL
Interpretation	304 700						304 700
Meeting Room Attendant	14 700						14 700
Conference Officer	4 500						4 500
Editor	3 800						3 800
Translation		6 300	32 200	12 900	45 500		96 900
Revision		3 100	12 900	5 200	12 900		34 100
Translation/Self-revision		7 300	35 600	14 000	0		56 900
Typing		5 300	25 900	10 400	33 000		74 600
Reproduction		4 900	24 700	49 500	19 500		98 600
Distribution		4 100	30 900	4 100	10 900		50 000
Secretaries						14 300	14 300
Sound Technicians						14 700	14 700
Messenger						2 100	2 100
Document distribution officer						4 100	4 100
Overtime						11 000	11 000
Rental of equip. & supplies/Communications						2 000	2 000
SUB-TOTAL	327 700	31 000	162 200	96 100	121 800	48 200	787 000

B. NON-CONFERENCE SERVICING COSTS

(a) Estimated travel and daily subsistence allowance in respect of substantive staff to service the Review Conference.		$33 600
1 Deputy Director and Secretary-General of the Conference (15 April - 8 May 1996) 2 Senior Political Affairs Officers (16 April - 7 May 1996) 1 Political Affairs Officer (17April - 7 May 1996) 1 Legal Affairs Officer (17April - 7 May 1996) 1 Secretarial assistant (15 April - 8 May 1996)		
(b) Office of the Secretary-General of the Conference (*Special* post allowance, representation *allowance and hospitality*).		$3 700
C. PRESS COVERAGE		$5 700
	SUB-TOTAL	$830 000
D. PROGRAMME-SUPPORT COSTS (13% OF CONFERENCE AND NON-CONFERENCE SERVICING COSTS)		$107 900
E. GRAND TOTAL		$937 900

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/11
15 January 1996

Original: ENGLISH

Geneva, 15-19 January 1996

INTERIM REPORT OF THE RESUMED SESSION OF THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESRTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Introduction

1. On 13 October 1995, the Review Conference of the States Parties to the Convention on Certain Conventional Weapons decided that, in view of the additional time needed to complete its work, it would continue its work at resumed sessions, to be held in Geneva from 15 to 19 January 1996 and from 22 April to 3 May 1996 with a view to concluding the review and amendment of Protocol II. It was agreed that the session scheduled to be held from 15 to 19 January 1996 would focus its deliberations on Articles 2-6 of Protocol II of the Convention relating to prohibitions or restrictions on the use of mines, booby-traps and other devices and its Technical Annex.

2. On 12 December 1995 the General Assembly adopted resolution 50/74, which, *inter alia*, reads as follows:

> "5. *Takes note* of the interim report of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held at Vienna from 25 September to 13 October 1995;
>
> 6. *Commends* the Protocol on Binding Laser Weapons (Protocol IV) to all States, with a view to achieving the widest possible adherence to this instrument at an early date;
>
> 7. *Calls upon* the States Parties to intensify their efforts in order to conclude negotiations on a strengthened Protocol II;
>
> 8. *Takes note* of the decision of the Review Conference to continue its work at resumed sessions at Geneva from 15 to 19 January and 22 April to 3 May 1996;
>
> 9. *Requests* the Secretary-General to continue furnishing needed assistance to the Review Conference;

10. *Again calls upon* the maximum number of States to attend the Review Conference."

Organization of the resumed session of the Conference

3. The resumed session was opened on 15 January by the President of the Conference, Ambassador Johan Molander of Sweden. At its opening meeting, the Conference received a message from the Secretary-General of the United Nations which was delivered by Mr. Vladimir Petrovsky, Director General of the United Nations Office at Geneva. Mr. Sohrab Kheradi, Deputy Director of the United Nations Centre for Disarmament Affairs, continued to serve as Secretary-General of the Conference.

4. The following 43 States Parties to the Convention participated in the session:

Australia
Austria
Belgium
Bulgaria
Canada
China
Croatia
Cuba
Cyprus
Czech Republic
Denmark
Ecuador
Finland
France
Germany
Greece
Hungary
India
Ireland
Israel
Italy
Japan
Latvia
Liechtenstein
Malta
Mexico
Mongolia
Netherlands
New Zealand
Norway
Pakistan
Poland
Russian Federation
Slovakia
Slovenia
Spain
Sweden
Switzerland
Tunisia
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay

5. In accordance with Rule 1 of the Rules of Procedure, the following 33 States non-parties to the Convention participated in the session as observers:

Afghanistan
Algeria
Angola
Argentina
Armenia
Bolivia
Brazil
Burundi
Chile
Colombia
Egypt
Holy See
Honduras
Indonesia
Iran (Islamic Republic of)
Jordan
Libyan Arab Jamahiriya
Luxembourg
Morocco
Nicaragua
Nigeria
Peru
Philippines
Portugal
Republic of Korea
Romania
Singapore
South Africa
Syrian Arab Republic
Thailand
Turkey
Union of Myanmar
Viet Nam

6. In accordance with Rules 46, 47 and 48 of the Rules of Procedure, representatives of the United Nations Children's Fund, United Nations Department of Humanitarian Affairs, United Nations High Commissioner for Refugees, United Nations Institute for Disarmament Research, League of Arab States, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies and Sovereign Order of Malta participated in the session as observers. In accordance with Rule 49 of the Rules of Procedure, 25 non-governmental organizations attended public meetings of the session.

7. The Conference adopted, at its 9th plenary meeting on 15 January 1996, the arrangements for meeting the costs of the resumed sessions, as contained in document CCW/CONF.I/10, in accordance with Rule 16 of the Rules of Procedure.

Work of the resumed session

8. The resumed session held two plenary meetings on 15 and 19 January 1996, respectively. As decided, in the course of its work the Conference concentrated its efforts on Articles 2-6 of Protocol II and its Technical Annex. Its substantive work was carried out in the framework of open-ended informal Presidential consultations. In addition, a meeting of military experts was convened by the President on 18 January 1996 with a view to addressing relevant issues.

9. As agreed, the work of the resumed session proceeded on the basis of the proposals contained in documents CCW/CONF.I/1, CCW/CONF.I/WP.2/Add.1, CCW/CONF.I/WP.3 and CCW/CONF.I/WP.4* without prejudice to the positions held by States Parties on issues under consideration and without prejudice to further proposals that might be made by States Parties in that regard. A number of new documents were submitted by delegations at the resumed session. A list of the documents is annexed to the present report.

10. At its 10th plenary meeting on 19 January, the President submitted a revised version of the President's text (CCW/CONF.I/WP.4/Rev.1) incorporating certain changes to Articles 2-6 and the Technical Annex of the draft revised Protocol II contained therein for the consideration of delegations, and as a basis for the work of the concluding session of the Review Conference. The revised version of the President's text reflects the stage of negotiations as seen by the President and does not commit any delegation.

Annex

LIST OF DOCUMENTS

Symbol	Title or description
CCW/CONF.I/9	"Note verbale dated 25 October 1995 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other International Organizations in Geneva".
CCW/CONF.I/10	"Estimated costs of the resumed sessions of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".
CCW/CONF.I/11	"Interim Report of the resumed session of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".
CCW/CONF.I/WP.4/Rev.1	"President's text".
CCW/CONF.I/CRP.1	"Specifications on Detectability (for Technical Annex) - Proposal submitted by the United Kingdom".
CCW/CONF.I/CRP.2	"Article 2 - Proposal submitted by Ukraine".
CCW/CONF.I/CRP.3	"Article 3 of the Technical Annex - Proposal submitted by Ukraine".
CCW/CONF.I/CRP.4	"Technical annex - Proposal submitted by France, Russian Federation, United Kingdom and United States".
CCW/CONF.I/CRP.5	"Anti-handling devices - Background paper submitted by the Netherlands delegation".

Symbol	Title or description
CCW/CONF.I/CRP.6	"Draft Interim Report of the resumed session of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".
CCW/CONF.I/SR.9-10	Summary records of the 9th and 10th meetings.
CCW/CONF.I/INF.3/Add.3*	"List of States Parties and Signatories".
CCW/CONF.I/INF.6	"List of Offices and Telephone Numbers".
CCW/CONF.I/INF.7	"Provisional List of Participants".
CCW/CONF.I/INF.8	"List of Participants".

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/12
22 April 1996

ENGLISH
Original: CHINESE

Second resumed session
Geneva, 22 April-3 May 1996

China

Moratorium on the export of anti-personnel landmines

China maintains that the international community should take urgent measures to reduce civilian suffering and casualties caused by the irresponsible use of anti-personnel landmines. In this respect, the Chinese Government will continue to exercise the utmost restraint and strict control on the export of landmines. China declares that, pending the entry into force of the amended Landmine Protocol, it will implement a moratorium on its export of anti-personnel landmines which are not in conformity with the technical specifications on detectability, self-destruction and self-deactivation as provided for in the Protocol, and will ban the export of booby-traps.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/13
25 April 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

Croatia

Croatia declares moratorium on the use, production, stockpiling, import and export of anti-personnel landmines, booby-traps and remotely delivered anti-personnel mines

On 19 April 1996 the Deputy Prime Minister and Minister of Foreign Affairs dr. Mate Granić and the Minister of Defence Gojko Šušak have issued a joint statement announcing that the Republic of Croatia declares a moratorium on the use, production, stockpiling, import and export of anti-personnel landmines, booby-traps and remotely delivered anti-personnel mines.

With this decision the Republic of Croatia aims to strengthen its role and position in peace processes and international relations, as well as in the implementation of peace initiatives and in contributing to global efforts for disarmament, the establishment of lasting peace and building of confidence between States and peoples.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/14/Rev.1
6 May 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS AND OTHER DEVICES AS AMENDED ON 3 MAY 1996 (PROTOCOL II AS AMENDED ON 3 MAY 1996) ANNEXED TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

ARTICLE 1: AMENDED PROTOCOL

The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol II), annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects ("the Convention") is hereby amended. The text of the Protocol as amended shall read as follows:

"Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996 (Protocol II as amended on 3 May 1996)

Article 1

Scope of application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices, defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. This Protocol shall apply, in addition to situations referred to in Article 1 of this Convention, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.

4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Protocol to parties to a conflict, which are not High Contracting Parties that have accepted this Protocol, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

Article 2

Definitions

For the purpose of this Protocol:

1. 'Mine' means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.

2. 'Remotely-delivered mine' means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be 'remotely delivered', provided that they are used in accordance with Article 5 and other relevant Articles of this Protocol.

3. 'Anti-personnel mine' means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

4. 'Booby-trap' means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

5. 'Other devices' means manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.

6. 'Military objective' means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

7. 'Civilian objects' are all objects which are not military objectives as defined in paragraph 6 of this Article.

8. 'Minefield' is a defined area in which mines have been emplaced and 'mined area' is an area which is dangerous due to the presence of mines. 'Phoney minefield' means an area free of mines that simulates a minefield. The term 'minefield' includes phoney minefields.

9. 'Recording' means a physical, administrative and technical operation designed to obtain, for the purpose of registration in official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. 'Self-destruction mechanism' means an incorporated or externally attached automatically-functioning mechanism which secures the destruction of the munition into which it is incorporated or to which it is attached.

11. 'Self-neutralization mechanism' means an incorporated automatically-functioning mechanism which renders inoperable the munition into which it is incorporated.

12. 'Self-deactivating' means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example, a battery, that is essential to the operation of the munition.

13. 'Remote control' means control by commands from a distance.

14. 'Anti-handling device' means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with the mine.

15. 'Transfer' involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

Article 3

General restrictions on the use of mines, booby-traps and other devices

1. This Article applies to:

   (a) mines;

   (b) booby-traps; and

   (c) other devices.

2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.

3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.

4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.

5. It is prohibited to use mines, booby-traps or other devices which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations.

6. It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning.

7. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.

8. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

(a) which is not on, or directed against, a military objective. In case of doubt as to whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used;

(b) which employs a method or means of delivery which cannot be directed at a specific military objective; or

(c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

9. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are not to be treated as a single military objective.

10. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

(a) the short- and long-term effect of mines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (for example, fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short- and long-term military requirements for a minefield.

11. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

Article 4

Restrictions on the use of anti-personnel mines

It is prohibited to use anti-personnel mines which are not detectable, as specified in paragraph 2 of the Technical Annex.

Article 5

Restrictions on the use of anti-personnel mines other than remotely-delivered mines

1. This Article applies to anti-personnel mines other than remotely-delivered mines.

2. It is prohibited to use weapons to which this Article applies which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex, unless:

(a) such weapons are placed within a perimeter-marked area which is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and

(b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State which accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.

3. A party to a conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) of this Article only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If that party regains control of the area, it shall resume compliance with the provisions of subparagraphs 2 (a) and 2 (b) of this Article.

4. If the forces of a party to a conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. All feasible measures shall be taken to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. Weapons to which this Article applies which propel fragments in a horizontal arc of less than 90 degrees and which are placed on or above the ground may be used without the measures provided for in subparagraph 2 (a) of this Article for a maximum period of 72 hours, if:

(a) they are located in immediate proximity to the military unit that emplaced them; and

(b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

Article 6

Restrictions on the use of remotely-delivered mines

1. It is prohibited to use remotely-delivered mines unless they are recorded in accordance with subparagraph 1 (b) of the Technical Annex.

2. It is prohibited to use remotely-delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex.

3. It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with an effective self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed in position.

4. Effective advance warning shall be given of any delivery or dropping of remotely-delivered mines which may affect the civilian population, unless circumstances do not permit.

Article 7

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

(a) internationally recognized protective emblems, signs or signals;

(b) sick, wounded or dead persons;

(c) burial or cremation sites or graves;

(d) medical facilities, medical equipment, medical supplies or medical transportation;

(e) children's toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;

(f) food or drink;

(g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) objects clearly of a religious nature;

(i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; or

(j) animals or their carcasses.

2. It is prohibited to use booby-traps or other devices in the form of apparently harmless portable objects which are specifically designed and constructed to contain explosive material.

3. Without prejudice to the provisions of Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:

(a) they are placed on or in the close vicinity of a military objective; or

(b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issuing of warnings or the provision of fences.

Article 8

Transfers

1. In order to promote the purposes of this Protocol, each High Contracting Party:

(a) undertakes not to transfer any mine the use of which is prohibited by this Protocol;

(b) undertakes not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers;

(c) undertakes to exercise restraint in the transfer of any mine the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State agrees to apply this Protocol; and

(d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.

2. In the event that a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, subparagraph 1 (a) of this Article shall however apply to such mines.

3. All High Contracting Parties, pending the entry into force of this Protocol, will refrain from any actions which would be inconsistent with subparagraph 1 (a) of this Article.

Article 9

Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, mines, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of an adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10

Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities, all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.

2. High Contracting Parties and parties to a conflict bear such responsibility with respect to minefields, mined areas, mines, booby-traps and other devices in areas under their control.

3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the party in control of the area pursuant to paragraph 2 of this Article, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.

4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

Article 11

Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations System, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

3. Each High Contracting Party in a position to do so shall provide assistance for mine clearance through the United Nations System, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organizations.

5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required.

6. Without prejudice to their constitutional and other legal provisions, the High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.

7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

Article 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Application

(a) With the exception of the forces and missions referred to in subparagraph 2 (a) (i) of this Article, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.

(b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

(c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments as applicable, or decisions by the Security Council of the United Nations, which provide for a higher level of protection to personnel functioning in accordance with this Article.

2. Peace-keeping and certain other forces and missions

(a) This paragraph applies to:

(i) any United Nations force or mission performing peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations; and

(ii) any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) so far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control;

(ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to the head of the force or mission all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

3. Humanitarian and fact-finding missions of the United Nations System

(a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations System.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in subparagraph 2 (b) (i) of this Article; and

(ii) if access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:

4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organizations.

5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required.

6. Without prejudice to their constitutional and other legal provisions, the High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.

7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

Article 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Application

(a) With the exception of the forces and missions referred to in subparagraph 2 (a) (i) of this Article, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.

(b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

(c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments as applicable, or decisions by the Security Council of the United Nations, which provide for a higher level of protection to personnel functioning in accordance with this Article.

2. Peace-keeping and certain other forces and missions

(a) This paragraph applies to:

(i) any United Nations force or mission performing peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations; and

(ii) any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) so far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control;

(ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to the head of the force or mission all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

3. Humanitarian and fact-finding missions of the United Nations System

(a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations System.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in subparagraph 2 (b) (i) of this Article; and

(ii) if access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:

(aa) unless ongoing hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or

(bb) if information identifying a safe route is not provided in accordance with subparagraph (aa), so far as is necessary and feasible, clear a lane through minefields.

4. Missions of the International Committee of the Red Cross

(a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in subparagraph 2 (b) (i) of this Article; and

(ii) take the measures set out in subparagraph 3 (b) (ii) of this Article.

5. Other humanitarian missions and missions of inquiry

(a) Insofar as paragraphs 2, 3 and 4 of this Article do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict or to assist the victims of a conflict:

(i) any humanitarian mission of a national Red Cross or Red Crescent society or of their International Federation;

(ii) any mission of an impartial humanitarian organization, including any impartial humanitarian demining mission; and

(iii) any mission of inquiry established pursuant to the provisions of the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:

(i) provide the personnel of the mission with the protections set out in subparagraph 2 (b) (i) of this Article; and

(ii) take the measures set out in subparagraph 3 (b) (ii) of this Article.

6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorization of the provider of the information.

7. Respect for laws and regulations

Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, personnel participating in the forces and missions referred to in this Article shall:

(a) respect the laws and regulations of the host State; and

(b) refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 13

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, a conference of High Contracting Parties shall be held annually.

2. Participation in the annual conferences shall be determined by their agreed Rules of Procedure.

3. The work of the conference shall include:

(a) review of the operation and status of this Protocol;

(b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;

(c) preparation for review conferences; and

(d) consideration of the development of technologies to protect civilians against indiscriminate effects of mines.

4. The High Contracting Parties shall provide annual reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the conference, on any of the following matters:

(a) dissemination of information on this Protocol to their armed forces and to the civilian population;

(b) mine clearance and rehabilitation programmes;

(c) steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;

(d) legislation related to this Protocol;

(e) measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and

(f) other relevant matters.

5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 14

Compliance

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control.

2. The measures envisaged in paragraph 1 of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice.

3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of this Protocol.

4. The High Contracting Parties undertake to consult each other and to cooperate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

Technical Annex

1. Recording

(a) Recording of the location of mines other than remotely-delivered mines, minefields, mined areas, booby-traps and other devices shall be carried out in accordance with the following provisions:

(i) the location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these weapons in relation to those reference points;

(ii) maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, and these records shall also indicate their perimeters and extent; and

(iii) for purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information on all these weapons laid. Whenever feasible the minefield record shall show the exact location of every mine, except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.

(b) The estimated location and area of remotely-delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.

(c) Copies of records shall be held at a level of command sufficient to guarantee their safety as far as possible.

(d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language or languages with the following information:

(i) name of the country of origin;

(ii) month and year of production; and

(iii) serial number or lot number.

The marking should be visible, legible, durable and resistant to environmental effects, as far as possible.

2. Specifications on detectability

(a) With respect to anti-personnel mines produced after 1 January 1997, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.

(b) With respect to anti-personnel mines produced before 1 January 1997, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraph (b), it may declare at the time of its notification of consent to be bound by this Protocol that it will defer compliance with subparagraph (b) for a period not to exceed nine years from the entry into force of this Protocol. In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply.

3. Specifications on self-destruction and self-deactivation

(a) All remotely-delivered anti-personnel mines shall be designed and constructed so that no more than 10 per cent of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruction mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.

(b) All non-remotely delivered anti-personnel mines, used outside marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in subparagraph (a).

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraphs (a) and/or (b), it may declare at the time of its notification of consent to be bound by this Protocol, that it will, with respect to mines produced prior to the entry into force of this Protocol, defer compliance with subparagraphs (a) and/or (b) for a period not to exceed nine years from the entry into force of this Protocol.

During this period of deferral, the High Contracting Party shall:

(i) undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply; and

(ii) with respect to remotely-delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines comply with at least the requirements for self-deactivation.

4. International signs for minefields and mined areas

Signs similar to the example attached and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

(a) size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square;

(b) colour: red or orange with a yellow reflecting border;

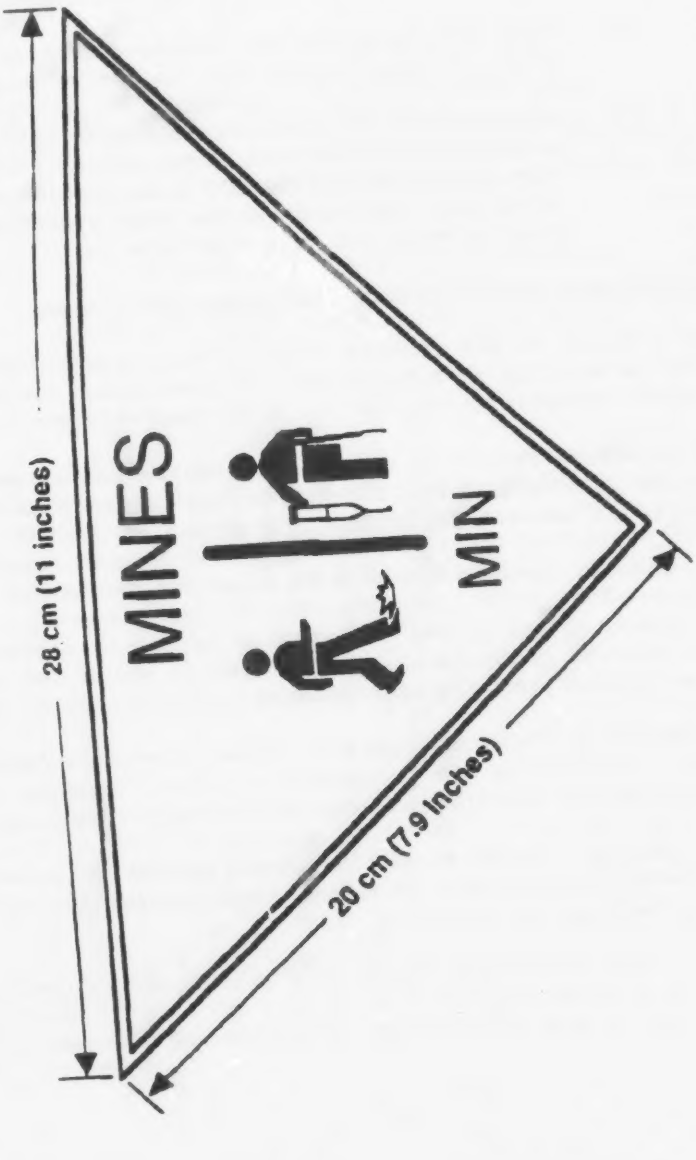
(c) symbol: the symbol illustrated in the Attachment, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area;

(d) language: the sign should contain the word 'mines' in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language or languages prevalent in that area; and

(e) spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area."

Attachment

Warning Sign for Areas Containing Mines


MINES
MIN
28 cm (11 inches)
20 cm (7.9 inches)

ARTICLE 2: ENTRY INTO FORCE

This amended Protocol shall enter into force as provided for in paragraph 1 (b) of Article 8 of the Convention.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/15
6 May 1996

Original: ENGLISH

2nd resumed session
Geneva, 22 April-3 May 1996

LETTER DATED 3 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE REPUBLIC OF BULGARIA TO THE UNITED NATIONS AT GENEVA

I have the pleasure to forward to you the communication concerning the timely moratorium on the exports of anti-personnel landmines which was announced by the Bulgarian delegation during the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, held at Geneva on 22 April-3 May 1996.

Follows text of communication:

"By Decision No. 104 of 2 May 1996 concerning changes and amendments to the imports and exports regime of the Republic of Bulgaria a timely moratorium on the exports of anti-personnel landmines is introduced. The Decision takes effect immediately upon adoption and is valid until 30 April 1999."

(Signed) Valentin Dobrev
Ambassador
Permanent Representative

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/WP.1/Rev.1
1 May 1996

Original: ENGLISH

2nd resumed session
Geneva, 22 April-3 May 1996

MAIN COMMITTEE I

Draft Final Declaration

THE HIGH CONTRACTING PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS, WHICH MET IN VIENNA FROM 25 SEPTEMBER TO 13 OCTOBER 1995, THEN IN GENEVA FROM 15 TO 19 JANUARY 1996 FOR THE FIRST RESUMED SESSION AND IN GENEVA FROM 22 APRIL TO 3 MAY 1996 FOR THE SECOND RESUMED SESSION, TO REVIEW THE SCOPE AND OPERATION OF THE CONVENTION AND THE PROTOCOLS ANNEXED THERETO AND TO CONSIDER ANY PROPOSAL FOR AMENDMENTS OF THE CONVENTION OR OF THE EXISTING PROTOCOLS, AS WELL AS PROPOSALS FOR ADDITIONAL PROTOCOLS RELATING TO OTHER CATEGORIES OF CONVENTIONAL WEAPONS NOT COVERED BY THE EXISTING ANNEXED PROTOCOLS

Deeply concerned that the indiscriminate effects of the irresponsible use of landmines, particularly anti-personnel landmines, are estimated to kill or maim hundreds of people each week, mostly unarmed civilians, obstruct economic development and reconstruction and have other severe consequences, which include inhibiting the repatriation of refugees and the return of internally displaced persons,

Gravely concerned with the suffering and casualties caused to civilians by the irresponsible use, as well as the proliferation of landmines, booby-traps and other devices, in particular the acute problem of anti-personnel landmines,

Reaffirming the need to reinforce international cooperation in the area of prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,

Reaffirming their conviction that a general and verifiable agreement on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects would significantly reduce the suffering of civilians and combatants, Noting that remotely delivered anti-personnel mines can pose a grave danger to civilian life and livelihood, especially due to the nature of the delivery and the consequent difficulty in marking and fencing them,

Reaffirming also the need to reinforce international cooperation in the area of mine clearance and to devote greater resources towards that end,

Recognizing the important role that the international community, particularly States involved in the deployment of mines, can play in assisting in mine clearance in affected countries through the provision of necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and booby-traps,

Expressing their appreciation of the financial contributions provided by States and regional organizations to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance and for the contributions in kind provided to the demining stand-by capacity of the United Nations,

Noting the national moratoria and other unilateral measures on halting the production, export, transfer or sale, on reducing stockpiles and on adopting legislation aimed at the total elimination of anti-personnel landmines,

Noting also that a number of States have further abstained from the acquisition, production, transfer and stockpiling of anti-personnel landmines,

Noting the fact that a growing number of States, international, regional and non-governmental organizations do their utmost to achieve urgently the total elimination of anti-personnel landmines,

Conscious of the urgent need to counter the silent and invisible threat to human sight posed by the threat of blinding laser weapons,

Welcoming the adoption of Protocol IV on Blinding Laser Weapons as a codification and progressive development of the rules of international law,

Noting that a number of issues could be considered in the future, for example at a review conference, taking into account scientific and technological developments, including the questions of prohibition on the use, production, stockpiling and transfer of blinding laser weapons and the question of compliance with regard to such weapons, as well as other pertinent issues, such as the definition of "permanent blindness", including the concept of field of vision, Recognizing the specific role of the International Committee of the Red Cross and encouraging it to continue to work to facilitate further ratification and accession to the Convention, to disseminate its contents and to lend its expertise to future review conferences,

Acknowledging the invaluable humanitarian efforts of non-governmental organizations in armed conflicts and welcoming the expertise they have brought to the Review Conference itself,

SOLEMNLY DECLARE:

- Their commitment to respect the objectives and provisions of the Convention and its annexed Protocols as an authoritative international instrument governing the use of certain conventional weapons, which may be deemed to be excessively injurious or to have indiscriminate effects,

- Their determination to call upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and its annexed Protocols and upon successor States to take appropriate measures so that ultimately this instrument will be universal,

- Their conviction that States should strive towards the goal of the eventual elimination of anti-personnel landmines, consistent with the terms of the United Nations General Assembly resolution 50/70 (O),

- Their commitment to continue to strive for a complete ban on transfer of all anti-personnel landmines in the context of their eventual elimination consistent with the terms of the United Nations General Assembly resolution 50/70 (O),

- Their satisfaction at the adoption of an amended Protocol II on mines, booby-traps and other devices,

- That the prohibitions and restrictions on the use and transfer of anti-personnel mines in Protocol II shall facilitate and advance the achievement of the ultimate goal of the eventual elimination of anti-personnel mines, consistent with the terms of the United Nations General Assembly resolution 50/70 (O),

- The importance they attach to the earliest possible entry into force of the amended Protocol, and their desire that all States, pending its entry into force, respect and ensure respect for the substantive provisions of the amended Protocol to the fullest extent possible,

- Their commitment to keep the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed,

- Their commitment to ban all remotely delivered mines without effective self-deactivating features and either self-destruct or self-neutralizing mechanisms and their recognition of the need to strive for a ban on all remotely delivered anti-personnel mines as viable alternatives are developed that significantly reduce the risk to the civilian population,

- Their recognition of the importance for the purposes of facilitating and accelerating mine-clearance of the application of the prohibition of the use of non-detectable anti-personnel mines,

- Their commitment to reinforce international cooperation for mine clearance, the development and dissemination of more effective technologies for mine clearance and the transfer of technology to facilitate the implementation of the prohibitions and restrictions set out in Protocol II and to seek to devote the resources necessary for this purpose,

- Their commitment to assist, to the extent feasible, impartial humanitarian demining missions, operating with the consent of the host State and/or the relevant States Parties to the conflict, in particular by providing all necessary information in their possession covering the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the mission is performing its functions,

- Their recognition that the growing number of national moratoria and other unilateral measures restricting or halting the production, use, export, transfer, sale or stockpiling of anti-personnel mines, aimed at their eventual elimination are encouraging steps,

- That they will encourage efforts of the United Nations and other organizations to address all the problems of landmines,

- Their satisfaction at the adoption of the Protocol on Blinding Laser Weapons (Protocol IV) to the Convention,

- Their conviction of the importance of the earliest possible entry into force of Protocol IV,

- Their desire that all States, pending the entry into force, respect and ensure respect of the substantive provisions of Protocol IV to the fullest extent possible,

- Their recognition of the need for achieving the total prohibition of blinding laser weapons, the use and transfer of which are prohibited in Protocol IV,

- Their wish to keep the issue of the blinding effects related to the use of laser systems under consideration,

- Their comitment to follow up the review process begun at the First Review Conference and, for that purpose, establish a regular review mechanism for the Convention and its annexed Protocols.

The High Contracting Parties recognize that the important principles and provisions contained in this Final Declaration can also serve as a basis for further strengthening the Convention and its Protocols and express their determination to implement them.

Review of the Preamble

Preambular paragraph 3

The Conference recalls the obligation to determine in the study, development, acquisition or adoption of a new weapon, means and method of warfare, whether its employment would, in some or all circumstances, be prohibited under any rule of international law applicable to the High Contracting Parties.

Preambular paragraph 8

The Conference reaffirms the need to continue the codification and progressive development of the rules of international law applicable to certain conventional weapons which may be excessively injurious or to have indiscriminate effects.

Preambular paragraph 10

The Conference underlines the need to achieve wider adherence to the Convention and its annexed Protocols. The Conference welcomes recent ratifications and accessions to the Convention and its annexed Protocols and urges the High Contracting Parties to accord high priority to their diplomatic efforts to encourage further adherence with a view to achieving universal adherence by the year 2000.

Review of the Articles

Article 1

The Conference acknowledges and confirms that the High Contracting Parties broadened the scope of Protocol II.

Article 2

The Conference reaffirms that nothing in the Convention or its annexed Protocols shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law.

Article 3

The Conference notes the provisions of Article 3.

Article 4

The Conference notes that 57 States have ratified, accepted, acceded or succeeded to the Convention.

The Conference calls upon States which are not parties to this Convention to ratify, accept, approve or accede, as appropriate, to the Convention, thus contributing to the achievement of universal adherence to the Convention.

The Conference, in this context, invites the High Contracting Parties to encourage further accessions to the Convention and its annexed Protocols.

Article 5

The Conference notes the provisions of Article 5.

Article 6

The Conference underlines the importance of international cooperation in the field of dissemination of the Convention and its annexed Protocols and recognizes the importance of multilateral collaboration relating to instruction, the exchange of experience at all levels, the exchange of instructors and the organization of joint seminars.

The Conference takes note of an invitation by a High Contracting Party to a seminar concerning dissemination.

Article 7

The Conference notes the provisions of Article 7.

Article 8

The Conference agrees that future Review Conferences should be held more frequently, with consideration to be given to holding a Review Conference every five years. The Conference decides, consistent with Article 8.3 (c) to convene a further Conference five years following the entry into force of the amendments adopted at the First Review Conference, but in any case not later than 2001, with preparatory expert meetings starting as early as 2000, if necessary.

The Conference welcomes the adoption of the text of an amended Protocol II in accordance with subparagraph 3 (a) of this Article.

The Conference recalls the provisions of subparagraph 3 (b) of this Article which stipulates that consideration may be given to any proposal for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. The Conference welcomes the adoption on 13 October 1995 of the text of an additional Protocol on Blinding Laser Weapons (Protocol (IV).

The Conference proposes that the next Review Conference may consider the question of preparing a possible additional Protocol on small-calibre weapons and ammunition.

The Conference proposes that the next Review Conference consider the question of eventual further measures in relation to naval mines and other conventional weapons, which may be deemed to cause unnecessary suffering or to have indiscriminate effects.

Article 9

The Conference notes with satisfaction that the provisions of this Article have not been invoked.

Article 10

The Conference notes the provisions of Article 10.

Article 11

The Conference notes the request by the delegation of China to correct the original Chinese text of the Convention and its annexed Protocols.

Review of the Protocols

Protocol on Non-Detectable Fragments (Protocol I)

The Conference takes note of the provisions of this Protocol.

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) and Technical Annex to the Protocol

The Conference has comprehensively reviewed the scope and operation of the original Protocol. The Conference is deeply concerned that despite the existence of the Protocol, hundreds of people, mostly unarmed civilians, are estimated to be killed or maimed each week by the indiscriminate effect of the irresponsible use of landmines, in particular anti-personnel mines; and also that unarmed civilians continue to be victims of indiscriminate effects of irresponsible use of booby-traps and other devices. These actions also obstruct agriculture and economic development and reconstruction, and inhibit the repatriation of refugees and the return of internally displaced persons and cause intolerable situations in many parts of the world, The Conference concluded that the original Protocol should be strengthened in a number of areas. The Conference therefore adopts the amended Protocol which brings about important improvements in such areas as the scope of its application, general restrictions from the humanitarian point of view, substantive prohibitions and restrictions on mine use, transfers, compliance provisions, mine clearance obligations and in the field of technological cooperation, and anticipates that these and other related issues could be further addressed at future review conferences with due regard to continuing humanitarian concerns,

The Conference encourages the High Contracting Parties which defer the application of the technical requirements as specified in the Technical Annex to make all best endeavours to comply with such requirements in accordance with paragraphs 2 and 3 of the Technical Annex during the deferral periods,

The Conference looks forward to the first annual meeting of States Parties which will be convened pursuant to new Article 13 after entry into force of the amended Protocol,

The Conference proposes that the Depositary convene, at an early date, following entry into force of the Protocol, a preparatory meeting for the first Annual Conference of the Parties under Article 13 of the amended Protocol. Such a preparatory meeting should elaborate and propose for the Annual Conference the draft Rules of Procedure of the Conference and Agenda items which may include review of the operation and status of the Protocol,

The Conference acknowledges the valuable work of relevant agencies and bodies of the United Nations; of the International Committee of the Red Cross pursuant to its mandate to assist war victims and of NGOs in a number of fields, in particular surgical care and rehabilitation of mine victims, implementation of mine-awareness programmes and mine clearance,

Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)

The Conference takes note of the provisions of this Protocol.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/WP.3
13 October 1995

Original: ENGLISH

Vienna, 25 September-13 October 1995

COMPILATION OF PROPOSALS

Proposals contained in this compilation relate to the President's text in CCW/CONF.I/WP.4

Article 2

13. "Remote-control" means control from a distance. **(Austria)**

Article 3

Chapeau

These general restrictions are intended to facilitate the eventual elimination of all landmines, including a ban on their use, production, stockpiling and transfer with the recognition that States can move most effectively towards this goal as viable alternatives are developed that significantly reduce the risk to the civilian population. **(India)**

Article 4

1. It is prohibited to use anti-personnel mines without self-destructing mechanisms which are not in compliance with the provisions on detectability in the Technical Annex. **(China)**

2. It is prohibited to use weapons, to which this article applies which are equipped with anti-handling devices. **(Netherlands)**

Article 5

2. In order to protect civilians, it is prohibited to use weapons to which this Article applies without self-destructing mechanisms unless: **(USA)**

Article 6

1. It is prohibited to use remotely-delivered anti-personnel mines which are not in compliance with the provisions on self-destruction contained in the Technical Annex.

2. Remotely-delivered [anti-personnel] mines shall only be used:

(a) in accordance with the provisions of Article 3 and when their location can be accurately recorded in accordance with Article 9 and Paragraph 1 of the Technical Annex.

(b) within an area which is itself a military objective or which contains military objectives; and

(c) in the event of actual or imminent combat or in exercises conducted with full protection for the civilian population **(India)**

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2. It is prohibited to use remotely-delivered mines other than anti-personnel mines which are not in compliance with the provisions on self-destruction or self-neutralization contained in the Technical Annex, unless they are only used within an area which is itself a military objective or which contains military objectives, and unless their locations can be accurately recorded in accordance with Article 9. **(China)**

Article 7

3. Without prejudice to the provisions in Articles 3 and 5, it is prohibited to use weapons to which this Article and Article 4 apply in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either: **(Mexico)**

Article 8

Chapeau

With a view to encouraging the indefinite extension of existing moratoria (leading to an eventual ban on transfers of landmines) and in order to further prevent the use of mines contrary to the purposes of this Protocol, each High Contracting Part: **(India)**

Article 10

1. Without delay after the cessation of active hostilities all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with [Article 3 and] paragraph 2 of Article 5 of this Protocol. **(Austria)**

Article 11

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties undertake to promote, in a non-discriminatory manner, the provision of equipment and technological information for mine clearance and, in this context, to refrain from imposing any ad hoc restrictions. **(India)**

3. Each High Contracting Party in a position to do so will provide assistance for mine clearance through the United Nations system, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance. **(UK)**

Article 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Peace-keeping and certain other forces and missions

2. Missions of the United Nations and the International Committee of the Red Cross

(a) This paragraph applies to:

(i) any humanitarian or fact-finding mission of the United Nations system performing functions in the area of a conflict with the consent of the States which are parties to the conflict; and

(ii) any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 1949, where applicable, their Additional Protocols of 1977. **(India)**

3. Other humanitarian and fact-finding missions

(a) Insofar as paragraphs 1 and 2 above do not apply to them, this paragraph applies to the following missions when they are performing functions to assist the victims of a conflict with the consent of the host State or States: **(India)**

(i) a humanitarian mission of a national Red Cross or Red Crescent society or of their International Federation; and **(India)**

(ii) a mission of an impartial humanitarian organization **(India)**

(b) Each host State, if so requested by **(India)** the head of a mission to which this paragraph applies shall, so far as is feasible:

(i) provide the personnel of the mission with the protections set out in paragraph 1 (b)(i) above; and

(ii) take the measures set out in paragraph 2 (b)(ii) above.

5. Other requirements

The provisions of this Article are without prejudice to any other requirements under international humanitarian **(India)** law, or other international instruments, as applicable, which provide for a higher level of protection to personnel functioning in accordance with this Article.

Article 13

1. States parties undertake to consult and cooperate with each other on all issues related to the operations of this Protocol **(Sweden)** and its implementation in cases of international conflicts **(Mexico)**. For this purpose regular Meetings of the High Contracting Parties shall be convened by the Depositary. **(Cuba, India)**

2. Any High Contracting Party may appoint a representative to the Conference. Other States, Organizations which have been granted observer status in the United Nations, United Nations Organs, related Agencies, other Intergovernmental Organizations, and the ICRC, may participate in the work of the Conference as observers. **(Sweden)**

3. (b) Review developments and exchange of information concerning the operation of the Protocol; **(Mexico)**

(e) Decide the time and venue of the next Meeting. **(Sweden)**

(f) Consider issues relating to the development of technologies to further protect civilians against the indiscriminate effects of landmines. **(USA)**

3. bis The Conference shall conduct its work and take decisions in accordance with Article 8 of the Convention. **(Mexico)**

4. States Parties may provide reports to the Depositary, who shall circulate them to all States parties in advance to the Review Conference, on any of the following matters: **(Cuba)**

Technical Annex

2. Specifications on detectability

(a) Mines [anti-personnel mines **(Austria)**] required by this Protocol to be detectable **(Sweden)** shall incorporate in their construction, or have attached, in a manner not easily removable material, or a device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams, or more, of iron in a single coherent mass.

(b) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraph (a) above, it undertakes to meet the specifications as soon as feasible, **(India)** and shall **(India)** in the meantime, to the extent feasible, minimize use of mines that do not so comply.

3. Specifications for self-destruction and self-neutralization

1. Mines required by this Protocol to be self-destructing shall be designed and constructed so that no more than 5 in every 100 activated will fail to self-destruct after no more than 30 days; and they shall have a backup self-deactivation feature, designed and constructed so that the mine will no longer function as a mine after 200 days/120 days, **(India)** within a reliability of 1 in every 1,000 surviving mines if the self-destruction mechanism fails.

1. Remotely-delivered anti-personnel mines required by this Protocol to be self-destructing shall be designed and constructed so that no more than 10 in every 100 activated mines will fail to self-destruct after no more than 30 days; and they shall have an effective self-deactivating element, designed and constructed so that a mine will no longer function as a mine even when the self-destruction mechanism fails.

2. Non remotely-delivered anti-personnel mines required by this Protocol to be self-destructing shall be designed and constructed so that they will have an effective self-deactivating element, which make a mine no longer function as a mine; such mines may also have a mechanism of self-destruction or self-neutralization, designed and constructed so that no more than 10 in every 100 activated mines fail to self-destruct or self-neutralize. If the period of self-destruction (self-neutralization) of such mines is more than 30 days, they are subject to the provisions of paragraph 2 of Article 5.

3. In the event that a High Contracting Party determines that it cannot immediately comply with specifications concerning self-destructing anti-personnel mines it may declare at the time of its ratification or accession to this amended Protocol that it will defer compliance for a period not to exceed 15 years, and in the meantime shall, to the extent feasible, minimize use of mines that do not so comply. **(Russian Federation)**

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/WP.4/Rev.1
22 January 1996

Original: ENGLISH

Geneva, 15-19 January 1996

PRESIDENT'S TEXT

Introduction by the President

Work during the resumed session of the Review Conference 15-19 January 1996 concentrated on the President's text CCW/CONF.I/WP.4* of 13 October 1995. In the course of informal meetings an in-depth discussion of the substantive issues pertaining to Articles 2-7 and the Technical Annex of the Draft Revised Protocol II contained in that document was conducted. Some other issues, in particular relating to Articles 8 and 11 were also discussed, insofar as they were directly linked to the main topics under discussion.

Proposals from participating delegations generated a considerable momentum on the technical-military matters under consideration. At the close of the debate the enclosed draft revised Protocol II was submitted for the consideration of delegations and as a basis for the work of the concluding session of the Review Conference, 22 April-3 May 1996. The revised President's Text reflects the stage of negotiations as seen by the President and does not commit any delegation.

The concluding session will also have to review the Articles not dealt with since the Vienna session. Final agreement on a revised Protocol II will be dependent on an overall balance of different concerns of participating States.

Article 1

Scope of application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. This Protocol shall apply to situations referred to in Article 1 of this Convention and Article 3 common to the Geneva Conventions of 12 August 1949.

This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.

4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Protocol to parties to a conflict which are not High Contracting Parties that have accepted this Protocol shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

Article 2

Definitions

For the purpose of this Protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.

2. "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be "remotely-delivered", provided that they are used in accordance with Article 5 and other relevant articles of this Protocol.

3. "Anti-personnel mine" means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

4. "Booby-trap" means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

5. "Other devices" means manually emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.

6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6.

8. "Minefield" is a defined area in which mines have been emplaced and "mined area" is an area which is dangerous due to the presence of mines. "Phoney minefield" means an area free of mines that simulates a minefield. The term minefield includes phoney minefields.

9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. "Self-destructing mechanism" means an incorporated or externally attached automatically functioning mechanism which secures the destruction of a munition.

11. "Self-neutralizing mechanism" means an incorporated automatically functioning mechanism which renders a munition inoperable.

12. "Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, e.g. a battery, that is essential to the operation of the munition.

13. "Remote control" means a control by commands from a distance.

14. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to or attached to, or placed under the mine and which activates when an attempt is made to tamper with the mine.

15. "Transfer" involves, in addition to the physical movements of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

Article 3

General restrictions on the use of mines, booby-traps and other devices

1. This Article applies to:

(a) mines;

(b) booby-traps; and

(c) other devices.

2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.

3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.

4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.

5. It is prohibited to use mines, booby-traps or other devices which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations.

6. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.

7. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

(a) which is not on, or directed against, a military objective. In case of a doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used; or

(b) which employs a method or means of delivery which cannot be directed at a specific military objective; or

(c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

8. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects cannot be treated as a single military objective.

9. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

(a) the short- and long-term effect of landmines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (e.g. fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short- and long-term military requirements for a minefield.

10. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

Article 4

Restrictions on the use of anti-personnel mines [1]

It is prohibited to use anti-personnel mines which are not detectable, as defined in paragraph 2 of the Technical Annex. [2]

Article 5

Restrictions on the use of anti-personnel mines other than remotely-delivered mines

1. This Article applies to anti-personnel mines other than remotely-delivered mines.

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[1] No agreement was reached on the question of a prohibition of anti-handling devices on anti-personnel mines.

[2] One delegation stated than an exception should be made for mines which are self-destructing and self-deactivating.

2. It is prohibited to use weapons, to which this Article applies which are not self-destructing and self-deactivating, unless:

(a) such weapons are placed within a perimeter-marked area that is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and

(b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State that accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons. 3/

3. A party to the conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) above only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If the party to the conflict regains control of the area, it shall resume compliance with the provisions of subparagraphs 2 (a) and 2 (b).

4. If the forces of a party to the conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. The High Contracting Parties shall take all feasible measures to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. Weapons to which this Article applies and which propel fragments in a horizontal arc of less than 90 degrees and are placed on or above the ground may be used without fencing and monitoring provided for in paragraph 2 of this Article for a maximum period of (48) (72) hours, if:

(a) they are located in the immediate proximity of the military unit that emplaced them; and

(b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

3/ The issue of the applicability of this provision to the transfer of territory in connection with peace settlements was considered.

Article 6

Restrictions on the use of remotely-delivered mines

1. It is prohibited to use remotely-delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation contained in the Technical Annex.

2. It is prohibited to use remotely-delivered mines other than anti-personnel mines unless they are self-deactivating (and) (or) equipped with an effective mechanism of self-destruction or self-neutralization so that they will not function as mines as soon as it is anticipated that they will no longer serve the military purpose for which they were placed in position. 4/

Article 7

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

(a) internationally recognized protective emblems, signs or signals;

(b) sick, wounded or dead persons;

(c) burial or cremation sites or graves;

(d) medical facilities, medical equipment, medical supplies or medical transportation;

(e) children's toys or other portable objects or products specially designed for feeding, health, hygiene, clothing or education of children;

(f) food or drink;

(g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) objects clearly of a religious nature;

4/ One delegation stated that in respect of remotely-delivered mines, other than anti-personnel mines, the restrictions in Article 5 of the present Protocol should not be revised.

(i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(j) animals or their carcasses.

2. It is prohibited to use booby-traps and other devices in the form an of apparently harmless portable object which is specifically designed and constructed to contain explosive material.

3. 5/ Without prejudice to the provisions in Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or do not appear to be imminent, unless either:

(a) they are placed on or in close vicinity of a military objective; or

(b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issue of warnings or the provision of fences.

Article 8

Transfer

In order to further prevent the use of mines contrary to the purposes of this Protocol, each High Contracting Party:

(a) undertakes not to transfer any mines the use of which is prohibited by this Protocol as amended; 6/

(b) undertakes not to transfer any mines to any recipient other than a State or its agents or agencies;

(c) undertakes to exercise restraint in the transfer of any mines the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State accepts and applies this Protocol, takes steps to adhere to it in accordance with Article 4 of this Convention, and so notifies the Depositary;

5/ The placement of this provision remains to be determined.

6/ It is understood that in the event a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, subparagraph (a) shall however apply to such mines from the adoption of the new Protocol, i.e. the transfer of such mines shall be immediately prohibited.

(d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by the agents or agencies of both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.

Article 9

Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of the minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of the adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10

Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.

2. Each High Contracting Party bears such responsibility with respect to minefields, mined areas, booby-traps and other devices in areas under its control.

3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the responsible party pursuant to paragraph 2 above, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.

4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

Article 11

Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties undertake to promote the provision of equipment and technological information for mine clearance.

2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

3. Each High Contracting Party will provide assistance for mine clearance through the United Nations system, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be provided to the Depositary, which shall transmit them to all High Contracting Parties and to relevant international organizations.

5. In the case of requests to the United Nations, the Secretary-General shall take the appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Depositary shall report to States Parties on such requests.

6. Without prejudice to their constitutional and legal provisions, High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the prohibitions and restrictions set out in this Protocol.

Article 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Peace-keeping and certain other forces and missions

(a) This paragraph applies to:

(i) any United Nations force or mission performing functions of peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations; and

(ii) any mission of an arrangement or agency performing functions pursuant to Chapter VIII of the Charter of the United Nations in the area of a conflict with the consent of the High Contracting Parties which are parties to that conflict.

(b) Each party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) so far as it is able, take such measure as are necessary to protect the personnel participating in, or associated with, the force or mission from the effects of mines, booby-traps and other devices; and

(ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to him all information in that party's possession concerning such minefields, mined areas, mines, booby-traps and other devices.

2. Missions of the United Nations and the International Committee of the Red Cross

(a) This paragraph applies to:

(i) any humanitarian or fact-finding mission of the United Nations system performing functions in the area of a conflict with the consent of the States which are parties to the conflict; and

(ii) any mission of the International Committee of the Red Cross performing functions assigned to it under international humanitarian law, where applicable.

(b) Each party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in paragraph 1 (b)(i) above; and

(ii) in order to provide the personnel of the mission with safe passage to any place under the party's control to which access is necessary for the mission to perform its functions and for which any necessary approval has been granted:

(aa) inform the head of the mission of a safe route to that place, if such information is available to that party and unless ongoing hostilities prevent; or

(bb) if information identifying a safe route is not provided in accordance with subparagraph (aa) above, so far as is necessary and feasible, clear a lane through minefields.

3. Other humanitarian and fact-finding missions

(a) Insofar as paragraphs 1 and 2 above do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict with the consent of the States which are parties to the conflict:

(i) any humanitarian or fact-finding mission of an intergovernmental organization; and

(ii) any fact-finding mission established pursuant to the provisions of an agreement between two or more States; and

(iii) any humanitarian mission of a national Red Cross or Red Crescent organization or of their International Federation; and

(iv) any mission of a humanitarian non-governmental organization.

(b) Each party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:

(i) provide the personnel of the mission with the protections set out in paragraph 1 (b)(i) above; and

(ii) take the measures set out in paragraph 2 (b)(ii).

4. Confidentiality of information

All information provided in confidence by parties to the conflict in accordance with this Article shall be treated by the recipient in strict confidence and shall not be released outside the operation or mission concerned without the express authorization of the party which provided it.

5. Other requirements

The provisions of this Article are without prejudice to any other requirements under international law, or other international instruments, as applicable, which provide for a higher level of protection to personnel functioning in accordance with this Article.

Article 13

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, Conferences of High Contracting Parties shall be held on an annual basis.

2. Any High Contracting Party may appoint a representative to the Conference. Other States, organizations which have been granted observer status in the United Nations, United Nations organs, related agencies, other intergovernmental organizations, and the International Committee of the Red Cross, may participate in the work of the Conference as observers.

3. The work of the Conference shall include:

(a) review of the status of the Protocol, including adherence;

(b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article; and

(c) preparation for review Conferences;

(d) consideration of the development of technologies to protect civilians against indiscriminate effects of landmines.

4. The High Contracting Parties may provide reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the Conference, on any of the following matters:

(a) dissemination of information on the Protocol to their armed forces and to the civilian population;

(b) mine clearance and rehabilitation programmes;

(c) steps taken to meed technical requirements of the Protocol;

(d) legislation;

(e) measures taken on international technical information exchange and on international cooperation on mine clearance; and

(f) other relevant matters.

5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 14

Complaince with the Protocol

1. High Contracting Parties shall require that commanders ensure that members of the armed forces under their command are aware of, and comply with, the relevant obligations under this Protocol.

2. The provisions of the Geneva Conventions of 12 August 1949 relating to measures for the repression of breaches and grave breaches shall apply to breaches and grave breaches of this Protocol during armed conflicts. Each party to a conflict shall take all appropriate measures to prevent and suppress breaches of this Protocol. Any act or ommission occurring during armed conflict in violation of this Protocol, if committed wilfully or wantonly and causing death or serious injury to the civilian population, shall be treated as a grave breach.

3. The High Contracting Parties undertake to consult each other and to cooperate with each other to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Article.

Technical Annex

1. Recording

(a) The recording of the location of mines other than remotely-delivered mines, minefields, mined areas, booby-traps and other devices shall be done in accordance with the following:

(i) The location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by the relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these devices in relation to those reference points.

(ii) Maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, these records shall also indicate their perimeters and extent.

(iii) For purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information of all the munitions laid. Whenever feasible the minefield record shall show the exact location of every mine; except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.

(b) The estimated location and area of remotely-delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.

(c) Copies of records are to be held at a level of comman sufficient to guarantee their safety as far as possible.

(d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language(s) as follows:

- name of the country of origin
- month and year of production
- serial number or lot number.

The marking should be visible, readable, durable and resistant to environmental effects, as far as possible.

2. Specifications on detectability 7/ 8/

(a) With respect to anti-personnel mines produced after the adoption of this amended Protocol, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(b) With respect to anti-personnel mines produced before the adoption of this amended Protocol, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraph (b) above, it may declare at the time of its notification of consent to be bound by this amended Protocol that it will defer compliance with subparagraph (b) above for a period not to exceed 8 years from the entry into force of this Protocol. 9/ In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply.

3. Specifications for self-destruction and self-deactivation 10/

(a) All remotely-delivered anti-personnel mines shall be designed and constructed so that no more than (5 per cent)(10 per cent) of activated mines will fail to self-destruct within 30 days after emplacement, and each mine

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7/ No agreement has been reached on possible detectability requirements for other mines than anti-personnel mines.

8/ Many delegations stressed the need to strengthen the requirements of this paragraph, and expressed strong reservations in particular with subparagraph (c).

9/ Many delegations considered this period excessively long. One delegation considered it far too short.

10/ Some delegations consider that the duration of the period of deferral (transition period) might be related to the possibility for international exchange or provision of specific relevant technology, as necessary and feasible, and suggested the elaboration of an appropriate formulation in this regard to be incorporated into the new Protocol II.

a backup self-deactivation feature designed and constructed so that, in combination with the self-destruct mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement. 11/

(b) All non-remotely-delivered anti-personnel mines, used outside of marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in subparagraph (a) of this paragraph.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraoh (a) and/or (b) of this paragraph, it may declare at the time of its notification of consent to be bound by this amended Protocol, that it will, with respect to mines produced prior to its entry into force, defer compliance with subparagraphs (a) and/or (b) for a period not to exceed 8 years from that date. 12/

During this period of deferral, the High Contracting Party shall:

(i) undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply, and

(ii) with respect to remotely-delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines comply with at least the requirements for self-deactivation. 13/

4. Specifications for remotely-delivered mines other than anti-personnel mines

(a) In the event that a High Contracting Party determines that it cannot immediately comply with Article 6 (2), it may declare at the time of its notification of consent to be bound by this amended Protocol that it will, with respect to such mines produced prior to the adoption of this Protocol, defer compliance with Article 6 (2) for the period referred to in paragraph 3 (c).

11/ One delegation was not yet able to give its final position on the failure rate of and the number of days required for self-deactivation.

12/ This transition period has been suggested by the President. Proposals for a transition period range from 3 to 17 years.

13/ Many delegations considered that there was no need for a transition period for other anti-personnel mines.

(b) During this period of deferral, remotely-delivered mines other than anti-personnel mines that do not comply with this Article 6 (2) may only be used if:

(i) they are delivered in a mechanically controlled and directed manner that is essentially similar to delivery from a wheeled or tracked vehicle; and

(ii) their position is accurately recorded in accordance with paragraph 1 (a) of the Technical Annex.

5. International signs for minefields and mined areas

Signs similar to the example in Annex A and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

(a) Size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square.

(b) Colour: red or orange with a yellow reflecting border.

(c) Symbol: the symbol illustrated in Annex A, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area.

(d) Language: the sign should contain the word "mines" in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language(s) prevalent in that area.

(e) Spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.1
15 January 1996

Original: ENGLISH

Geneva, 15-19 January 1996

SPECIFICATIONS ON DETECTABILITY (for Technical Annex)

Proposal submitted by the United Kingdom

(a) All anti-personnel mines shall incorporate in their construction, or have attached, in a manner not easily removable, material or a device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(b) In the event that a High Contracting Party determines that it cannot immediately comply with the provisions of subparagraph (a) above, it may continue to use anti-personnel mines which do not comply with these provisions, for a period not to exceed [_____] years from the adoption of the revised Protocol, provided that any such mines have attached, prior to their emplacement, material or a device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass. This material or device shall be attached in a manner such that it will be resistant to detachment through environmental effects while the mine remains emplaced.

(c) The use of anti-personnel mines produced after the adoption of this Protocol which do not comply with the provisions of subparagraph (a) above shall be prohibited.

(d) The transfer of anti-personnel mines which do not comply with the provisions of subparagraph (a) above shall be prohibited.

(e) No mines, booby traps or other devices may be specifically designed to detonate due to the non-contact influence of commonly available mine detectors during normal operation.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.2*
19 January 1996

ENGLISH
Original: RUSSIAN

Geneva, 15-19 January 1996

ARTICLE 2

Proposal submitted by Ukraine

3. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

4. "Minefield" is a piece of land on which mines have been emplaced in a definite pattern or at random. "Mined area" is an area of land on which minefields have been emplaced. "Phoney minefield" means a piece of land on which inert mines have been emplaced or a minefield has been simulated.

12. "Self-deactivating" means rendering a munition inoperable by means of the irreversible exhaustion of its power supply.

14. "Anti-handling device" means a device which may be part of, linked to or attached to or placed under a mine and which activates when an attempt is made to tamper with the mine.

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* Reissued for technical reasons.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.3
15 January 1996

ENGLISH
Original: RUSSIAN

Geneva, 15-19 January 1996

ARTICLE 3 OF THE TECHNICAL ANNEX

Proposal submitted by Ukraine

1. Remotely and non-remotely delivered anti-personnel mines which are manufactured after the adoption of this Protocol must be self-destructing and self-deactivating and shall be designed and constructed so that no more than 5 in every 100 activated mines will fail to self-destruct after no more than 30 days. In this context they must self-deactivate in such a way that the mine can no longer function as a mine after 120 days, within a self-deactivation reliability of 9 in every 10 surviving mines if the self-destruction mechanism fails.

2. Remotely delivered anti-personnel mines which were produced before the entry into force of this Protocol and which are required by this Protocol to be self-destructing but not self-deactivating must be so constructed that no more than 5 in every 100 activated mines will fail to self-destruct after no more than 30 days. Use of these mines shall be permissible during a transitional period of up to 10 years. On the conclusion of this period the use of these mines shall be permissible only as mines other than remotely delivered mines under Article 5 of this Protocol.

3. Non-remotely delivered anti-personnel mines required by this Protocol to be self-destructing shall be designed and constructed so that they can effectively self-destruct, and so that no more than 5 in every 100 activated mines will fail to self-destruct after no more than 30 days. If the period of self-destruction of these mines is more than 30 days, they must be used in accordance with Article 5, paragraph 2.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.4
15 January 1996

Original: ENGLISH

Geneva, 15-19 January 1996

TECHNICAL ANNEX

Proposal submitted by France, Russian Federation, United Kingdom and United States

3. Specifications for self-destruction and self-deactivation

(a) All remotely delivered anti-personnel mines shall be designed and constructed so that no more than 5 per cent of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruct mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.

(b) All non-remotely delivered anti-personnel mines, used outside of marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in subparagraph (a) of this paragraph.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraph (a) of this paragraph, it may declare at the time of its ratification of this amended Protocol that it will, with respect to mines manufactured prior to adoption of this Protocol, defer compliance with subparagraph (a) for a period not to exceed .... During this period of deferral, all remotely delivered anti-personnel mines used by a High Contracting Party deferring compliance with subparagraph (a) shall comply with either the requirements for self-destruction or the requirements for self-deactivation stated in subparagraph (a) of this paragraph. During this period of deferral, all non-remotely delivered anti-personnel mines used outside of marked areas as defined in Article 5 of this Protocol by a High Contracting Party deferring compliance shall comply at least with the requirements for self-deactivation stated in subparagraph (a) of this paragraph.

Note: Article 8 of the Protocol should prohibit transfer of mines that do not comply with the requirements of subparagraph (a).

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.5
18 January 1996

Original: ENGLISH

Geneva, 15-19 January 1996

ANTI-HANDLING DEVICES

Background paper submitted by the Netherlands delegation

Introduction

This paper refers to the prohibition of anti-handling devices as defined in article 2 of CCW/CONF.I/WP.4, dated 13 October 1995. The Netherlands reintroduced a prohibition on anti-handling devices as reflected in CCW/CONF.I/WP.3, dated 13 October 1995. The prohibition reads: "It is prohibited to use weapons to which this article applies which are equipped with anti-handling devices". It should be recalled that originally the Netherlands advocated a complete ban on anti-handling devices. This paper summarizes a number of the issues which were raised during the discussions.

Military necessity for anti-handling devices

Anti-handling devices are deemed necessary in order to prevent clearance (as opposed to breach) of minefields. As such they permit the protection of a minefield for the duration of the military requirement for which the field has been laid. There is no longer a military necessity for anti-handling devices once the military requirement has come to an end or as soon as the mine no longer functions as a mine; at that moment clearance (100 per cent) must be possible. Prohibitions/restrictions laid down in the Protocol should reflect those military and humanitarian concerns.

Three separate situations can be identified:

(a) Mines equipped with AHD which do not meet the prohibitions or restrictions imposed by the Protocol.

Should be prohibited at all times.

(b) Mines equipped with AHD which are required to have self-destruct and self-deactivation features in accordance with the technical annex; should the AHD continue to function after the time limits set in that annex, the mine still meets the definition of an anti-personnel mine. In order to effectively comply with the SDA requirement it is mandatory that the AHD is not longer lived than the mine.

Legitimate if the effective life of the AHD is limited to the requirements set for SDA.

(c) Mines equipped with AHD which are used in fields marked, fenced, monitored and recorded in accordance with articles 5 and 9 of CCW/CONF.I/WP.4: clearance of such minefields is only possible if the specifications of the anti-handling device are known to the deminers or explosive charges are used to detonate each mine so equipped individually; it must be reminded that parties who lay mines have an obligation under international law to clear the minefield when the military requirement no longer exists or to provide the location and the technical specifications of the mines concerned, including their AHDs if any (paragraph 1, subpara. a (iii), of the Technical Annex, CCW/CONF.I/WP.4).

It must be noted that mines equipped with AHD do not raise a specific additional danger to mine clearance in comparison to other live mines, should natural causes affect the marking, fencing and monitoring. Such mines would under normal circumstances detonate as soon as those natural causes would affect the position of the mine.

It is felt that this set of provisions and/or alternatives does not effectively protect mine clearance operations, as is corroborated by day-to-day military and humanitarian experience.

Furthermore, mines equipped with AHD do not prevent "breaching" of minefields as general military requirements for breaching are limited to those paths considered necessary for adequate movement of troops and not geared at 100 per cent clearance.

It has been argued that clandestine operations, including clearance, are rendered impossible due to the use of AHD. However, such operations under general military doctrine could require only the identification of the location of the mine and not its clearance. This in turn can only be prevented by a minefield monitoring system which would not rely exclusively on anti-handling devices. AHD to prevent clandestine breaching can therefore not be considered an effective military option. It must also be kept in mind that other military measures can be taken to effectively prevent clandestine mine clearance without giving rise to the same concerns that AHD cause.

In the light of the above and weighing the arguments, it is felt that the use of AHD in "article 5-situations" (CCW/CONF.I/WP.4) should also be prohibited as military necessity and humanitarian concerns are not balanced.

Discussion items

- Mine clearance should not be unnecessarily hampered or virtually impossible as soon as the military necessity for maintaining the minefield no longer exists.
- Does military doctrine require the maintenance of the right to use non-SDA-mines equipped with AHDs within marked, fenced and monitored minefields?
- Does military doctrine require maintenance of the right to use SDA-mines equipped with AHDs if independent detonation of the mine is physically impossible once the requirements of SDA have been met?

Netherlands Conclusions

Given the fact that the military necessity for anti-handling devices is limited, it is felt that, should AHD continue to be legitimate on mines other than those required to have SDA-features, mine clearance goals set under the Protocol are unduly affected: actually, it might be argued mine clearance is severely hampered. Restrictions along the lines of article 5 of the Presidential text are not sufficient to alleviate the problems demining programmes face around the world. The prohibition proposed is a "bright line" rule which strikes a careful balance between military necessity and humanitarian concerns. It therefore is fully in keeping with the goals set for this Review Conference.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.7
22 April 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

United Kingdom

PROPOSED CHANGES TO ARTICLE 14 OF THE PRESIDENT'S TEXT

Compliance with this Protocol

1. Serious violations of this Protocol shall be any contravention of the provisions of this Protocol, involving the use of mines, booby-traps or other devices, if wilfully or recklessly causing:

(a) death or serious injury to civilians, or

(b) extensive destruction or appropriation of property not justified by military necessity.

2. Each High Contracting Party shall enact any legislation necessary to provide effective penal sanctions for those committing or ordering to be committed serious violations referred to in paragraph 1 of this Article and shall take such measures as may be necessary to establish its jurisdiction over such violations.

3. Each High Contracting Party and party to a conflict shall search for persons alleged to have committed, or to have ordered to be committed serious violations of this Protocol and either extradite such persons in accordance with its own legislation for prosecution in another High Contracting Party, provided a *prima facie* case is made out, or submit the case to its own competent authorities for the purpose of prosecution. Such authorities shall take their decision, regardless of the person's nationality, in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

4. Each High Contracting Party and party to a conflict shall require that, commensurate with their level of responsibility, commanders ensure that members of the armed forces under their command are aware of their obligations under this Protocol and shall take any other measures necessary for the suppression of all violations of this Protocol.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.8
22 April 1996

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Second resumed session
Geneva, 22 April-3 May 1996

Article 13, Paragraph 4

Proposal submitted by Germany

In order to facilitate consultation and cooperation between the States Parties as foreseen in Article 13, paragraph 1, Germany suggests that all States Parties provide national reports on the matters listed in paragraph 4 of Article 13 prior to the annual "Conference of High Contracting Parties".

Germany therefore proposes to amend Article 13, paragraph 4 of the President's Text as follows (amendments in bold, deletions in square brackets):

"4. The High Contracting Parties **shall** provide **annual** reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the Conference, on **[any of]** the following matters:

(a) dissemination of information on the Protocol to their armed forces and to the civilian population;

(b) mine clearance and rehabilitation programmes;

(c) steps taken to meet technical requirements of the Protocol;

(d) legislation;

(e) measures taken on international technical information exchange and on international cooperation on mine clearance; and

(f) other relevant matters."

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.9/Rev.1
2 May 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

Compliance Annex

Proposal submitted by the United States

Acceptance of this Annex

1. Any High Contracting Party may declare, upon its notification of acceptance to be bound by this Protocol, or at any subsequent time, its intention to be bound, as well, by this Annex.

2. The provisions of this Annex apply only to such Parties. All references in this Annex to a Party or Parties shall include only such Parties.

Compliance Meetings

1. Any Party may ask the Depositary to convene a Compliance Meeting to conduct an inquiry to clarify and seek to resolve questions relating to compliance with the provisions of this Protocol concerning the use of mines, booby-traps and other devices. The request for a Compliance Meeting shall contain all appropriate information on the basis of which a concern has arisen regarding possible non-compliance.

2. The Depositary shall invite all Parties to the Compliance Meeting which shall be convened in New York within four weeks of the request. The Party which is the subject of the request may provide an expression of its views prior to the Compliance Meeting.

3. The presence of a quorum consisting of a majority of the Parties shall be required to take decisions. The Compliance Meeting shall take its decisions by consensus if possible, but otherwise by a majority of Parties present and voting, except as otherwise indicated herein. The costs of the Compliance Meeting's activity shall be covered by the Parties in accordance with the UN scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of Parties.

4. The Compliance Meeting shall hold an inquiry into the compliance issue raised unless it decides that the information and facts provided do not justify it. Such decision shall be by a two-thirds majority of Parties present and voting.

5. The inquiry shall be supplemented by facts collected on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of a Party, unless the Compliance Meeting decides that no such action is required and that the request may be dealt with on the basis of the materials provided. Such decision shall be by a two-thirds majority of Parties present and voting.

Teams of Experts

1. Facts to supplement an inquiry shall be collected by a team of experts.

2. The Depositary shall prepare a list of qualified experts provided by Parties, and shall constantly keep this list updated. The initial list and any subsequent change to it shall be communicated, in writing, to each Party.

3. Any qualified expert included in this list shall be regarded as designated unless a Party, not later than 30 days after its receipt of the list, objects, in which event the Compliance Meeting shall decide whether the expert in question shall be designated.

4. Upon receiving a request from the Compliance Meeting, the Depositary shall appoint a team of experts from the list of qualified experts, who shall act in their personal capacity. Experts who are nationals of Parties which requested the inquiry or of concerned Parties shall not be chosen. The team of experts shall include no more than 10 persons.

5. The Depositary shall dispatch the team of experts at the earliest opportunity taking into account the safety of the team and shall notify the Party on whose territory facts are to be collected of the team's arrival at least 72 hours before its arrival.

6. Such Party shall facilitate the arrival, transport and accommodation of the team of experts.

7. The team of experts may bring the following equipment, which shall be used solely for the collection of information relevant to the alleged compliance issue: (a) mine detection equipment and animals; (b) hand tools for mine removal and defusing; (c) portable x-ray equipment to determine the presence of anti-handling devices or booby-traps; (d) radios; (e) maps; (f) GPS equipment and compasses; (g) cameras with flash equipment and video cameras; (h) portable computers and printers; (i) measuring tapes and sticks; (j) flashlights; (k) scales; (l) tamper-indicating seals; and (m) other equipment, as agreed. After arrival, the team of experts may hear statements by official representatives of the Party and may question persons connected with the alleged compliance issue, may have access to areas and installations under the control of the Party where facts relevant to the compliance issue could reasonably be expected to be collected, and collect samples of relevant mines, booby-traps or other devices, as well as copies of documents relevant

to their location, characteristics, and maintenance. These rights shall be subject to any arrangements that the Party concerned considers necessary for:

(a) The protection of sensitive equipment, information and areas connected with the subject of the fact-finding mission;

(b) any constitutional obligations the Party concerned may have with regard to proprietary rights, searches and seizures, or other constitutional protection; and

(c) the protection of the conduct of actual military operations.

In the event any of these limitations apply, the Party concerned shall make every reasonable effort to satisfy the legitimate needs of the team of experts through other means.

8. The team of experts may remain in the territory of the Party concerned for no more than two weeks, and at any particular site no more than one week, unless otherwise agreed. After having completed its mission, the team of experts shall submit a report to the Depositary not later than one week after leaving the territory of the concerned Party. The report shall summarize the factual findings of the team related to the compliance issue.

9. The Depositary shall promptly transmit the report of the team of experts to the Compliance Meeting.

Compliance Meeting Consideration

1. The Compliance Meeting shall consider all relevant information and facts, including any report submitted by the team of experts. If the Compliance Meeting concludes based on such information and facts that there has been violation of the provisions of this Protocol concerning the use of mines, booby-traps and other devices, the Compliance Meeting shall, as appropriate, request that the Party responsible for the violation take appropriate measures to remedy the situation.

2. The Compliance Meeting may also consider measures designed to encourage compliance, and may, in accordance with the United Nations Charter, refer the issue to the attention of the Security Council.

REVIEW CONFERENCE OF THE STATES PARTIES
TO THE CONVENTION ON PROHIBITIONS OR
RESTRICTIONS ON THE USE OF CERTAIN
CONVENTIONAL WEAPONS WHICH MAY BE
DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.10*
25 April 1996

Original: ENGLISH

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Geneva, 22 April-3 May 1996

Article 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

Proposal submitted by India and the United Kingdom

1. Application

(a) With the exception of the forces and missions referred to in paragraph 2 below, this Article applies only to missions which are performing functions in an area with the consent of the host State or States.

(b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

(c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments, as applicable, which provide for a higher level of protection to personnel functioning in accordance with this Article.

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* Reissued for technical reasons.

2. Peace-keeping and certain other forces and missions

(a) This paragraph applies to:

(i) any United Nations force or mission performing peace-keeping, observation or similar functions in any area in accordance with Chapter VI or VII of the Charter of the United Nations; and

(ii) any mission of an arrangement or agency performing functions pursuant to Chapter VIII of the Charter of the United Nations in the area of a conflict with the consent of each High Contracting Party which is a party to that conflict.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) so far as it is able, take such measures as are necessary to protect the personnel participating in, or associated with, the force or mission from the effects of mines, booby-traps and other devices in any area under its control; and

(ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to him all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

3. Humanitarian and fact-finding missions of the United Nations

(a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations system.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in paragraph 2 (b) (i) above; and

(ii) if access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:

(aa) unless ongoing hostilities prevent, inform the head of the mission of a safe route to that place if such information is available, or

(bb) if information identifying a safe route is not provided in accordance with subparagraph (aa) above, so far as is necessary and feasible, clear a lane through minefields.

4. Missions of the International Committee of the Red Cross

(a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 1949 and, where applicable, their Additional Protocols of 1977.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in paragraph 2 (b) (i) above; and

(ii) take the measures set out in paragraph 3 (b) (ii) above.

5. Other humanitarian missions and missions of inquiry

(a) Insofar as paragraphs 2, 3 and 4 above do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict or to assist the victims of a conflict:

(i) any humanitarian mission of a national Red Cross or Red Crescent society or of their International Federation; and

(ii) any mission of an impartial humanitarian organization (which term includes an impartial humanitarian non-governmental organization); and

(iii) any mission of inquiry established pursuant to the provisions of the Geneva Conventions of 1949 and, where applicable, their Additional Protocols of 1977 or by an intergovernmental organization.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:

(i) provide the personnel of the mission with the protections set out in paragraph 2 (b) (i) above; and

(ii) take the measures set out in paragraph 3 (b) (ii) above.

6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorization of the provider of the information.

REVIEW CONFERENCE OF THE STATES PARTIES
TO THE CONVENTION ON PROHIBITIONS OR
RESTRICTIONS ON THE USE OF CERTAIN
CONVENTIONAL WEAPONS WHICH MAY BE
DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.11*
25 April 1996

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Geneva, 22 April-3 May 1996

Technical Annex

Proposal submitted by Canada

Addition to final sentence of 2 (c). New sentence to read:

In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply and should such mines be used, will undertake to make all best efforts to attach a material or device as set out in subparagraph (b) above.

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* Reissued for technical reasons.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.12
24 April 1996

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Geneva, 22 April-3 May 1996

Technical Annex

Proposal submitted by France

2. Specifications on detectability

(a) With respect to anti-personnel mines produced after the adoption of this amended Protocol, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(b) With respect to anti-personnel mines produced before the adoption of this amended Protocol, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single mass.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraph (b) above, it may declare at the time of its notification of consent to be bound by this amended Protocol that it will defer compliance with subparagraph (b) above for a period not to exceed five years from the entry into force of this Protocol. In the meantime, it shall use such mines only within a perimeter-marked area that is monitored by military personnel and protected by fencing or other means.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.13
25 April 1996

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Second resumed session
Geneva, 22 April-3 May 1996

PROTOCOL II

President's paper on Articles 2-10 and Technical Annex

Article 2

Definitions

For the purpose of this Protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.

2. "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be "remotely delivered", provided that they are used in accordance with Article 5 and other relevant articles of this Protocol.

3. "Anti-personnel mine" means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

4. "Booby-trap" means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or perform an apparently safe act.

5. "Other devices" means manually emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.

6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6.

8. "Minefield" is a defined area in which mines have been emplaced and "mined area" is an area which is dangerous due to the presence of mines. "Phoney minefield" means an area free of mines that simulates a minefield. The term minefield includes phoney minefields.

9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. "Self-destructing mechanism" means an incorporated or externally attached automatically functioning mechanism which secures the destruction of a munition.

11. "Self-neutralizing mechanism" means an incorporated automatically functioning mechanism which renders a munition inoperable.

12. "Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, e.g. a battery, that is essential to the operation of the munition.

13. "Remote control" means a control by commands from a distance.

14. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to or attached to, or placed under the mine and which activates when an attempt is made to tamper with the mine.

15. "Transfer" involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

Article 3

General restrictions on the use of mines booby-traps and other devices

1. This Article applies to:

    (a) mines;

    (b) booby-traps; and

    (c) other devices.

2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.

3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.

4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.

5. It is prohibited to use mines, booby-traps or other devices which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations.

6. It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning.

7. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.

8. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

(a) which is not on, or directed against, a military objective. In case of a doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used; or

(b) which employs a method or means of delivery which cannot be directed at a specific military objective; or

(c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

9. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects cannot be treated as a single military objective.

10. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

(a) the short- and long-term effect of landmines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (e.g. fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short- and long-term military requirements for a minefield.

11. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

Article 4 1/

Restrictions on the use of anti-personnel mines

It is prohibited to use anti-personnel mines which are not detectable, as defined in paragraph 2 of the Technical Annex.

Article 5

Restrictions on the use of anti-personnel mines other than remotely delivered mines

1. This Article applies to anti-personnel mines other than remotely delivered mines.

2. It is prohibited to use weapons, to which this Article applies which are not self-destructing and self-deactivating, unless:

(a) such weapons are placed within a perimeter-marked area that is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and

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1/ A reference to legitimate humanitarian concerns with regard to mines other than anti-personnel mines should be included in the Final Declaration of the Conference.

(b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State that accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.

3. A party to the conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) above only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If the party of the conflict regains control of the area, it shall resume compliance with the provisions of subparagraphs 2 (a) and 2 (b).

4. If the forces of a party to the conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. All feasible measures shall be taken to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. Weapons to which this Article applies and which propel fragments in a horizontal arc of less than 90 degrees and are placed on or above the ground may be used without the measures provided for in paragraph 2 (a) of this Article for a maximum period of 72 hours, if:

(a) they are located in the immediate proximity of the military unit that emplaced them; and

(b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

Article 6

Restrictions on the use of remotely delivered mines

1. It is prohibited to use remotely delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation contained in the Technical Annex.

2. It is prohibited to use remotely delivered mines other than anti-personnel mines unless they are recorded according to paragraph 1 (b) of the Technical Annex, and, to the extent feasible, are equipped with an effective self-destructing or self-neutralizing mechanism and have a back-up feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed i position.

Article 7

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

(a) internationally recognized protective emblems, signs or signals;

(b) sick, wounded or dead persons;

(c) burial or cremation sites or graves;

(d) medical facilities, medical equipment, medical supplies or medical transportation;

(e) children's toys or other portable objects or products specially designed for feeding, health, hygiene, clothing or education of children;

(f) food or drink;

(g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) objects clearly of a religious nature;

(i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(j) animals or their carcasses.

2. It is prohibited to use booby-traps and other devices in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material.

3. Without prejudice to the provisions in Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or do not appear to be imminent, unless either:

(a) they are placed on or in close vicinity of a military objective; or

(b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issue of warnings or the provision of fences.

Article 8

Transfer

In order to further prevent the use of mines contrary to the purposes of this Protocol, each High Contracting Party:

(a) undertakes not to transfer any mines the use of which is prohibited by this Protocol as amended;

(b) In the event a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, subparagraph (a) shall however apply to such mines from the adoption of the revised Protocol.

(The content of Article 8 is the subject of separate consultations. The chapeau and subparagraph (a) are here reproduced only to provide the appropriate context. Subparagraphs (c) and following should be renumbered accordingly.)

Article 9

Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of the minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of the adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10

Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.

2. High Contracting Parties and parties to a conflict bear such responsibility with respect to minefields, mined areas, booby-traps and other devices in areas under their control.

3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the party in control of the area pursuant to paragraph 2 above, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.

4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

Technical Annex

1. Recording

(a) The recording of the location of mines other than remotely delivered mines, minefields, mined areas, booby-traps and other devices shall be done in accordance with the following:

(i) The location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by the relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these devices in relation to those reference points.

(ii) Maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, these records shall also indicate their perimeters and extent.

(iii) For purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information of all the munitions laid. Whenever feasible the minefield record shall show the exact location of every mine; except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.

(b) The estimated location and area of remotely delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.

(c) Copies of records are to be held at a level of command sufficient to guarantee their safety as far as possible.

(d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language(s) as follows:

- name of the country of origin
- month and year of production
- serial number or lot number.

The marking should be visible, readable, durable and resistant to environmental effects, as far as possible.

2. Specifications on detectability

(a) With respect to anti-personnel mines produced after 1 July 1996, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(b) With respect to anti-personnel mines produced before 1 July 1996, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraph (b) above, it may declare at the time of its notification of consent to be bound by this amended Protocol that it will defer compliance with subparagraph (b) above for a period not to exceed [8] years from the entry into force of this Protocol. In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply.

3. Specifications for self-destruction and self-deactivation 2/

(a) All remotely delivered anti-personnel mines shall be designed and constructed so that no more than 10 per cent of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruct mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.

(b) All non-remotely delivered anti-personnel mines, used outside of marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in subparagraph (a) of this paragraph.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraphs (a) and/or (b) of this paragraph, it may declare at the time of its notification of consent to be bound by this amended Protocol, that it will, with respect to mines produced prior to its entry into force, defer compliance with subparagraphs (a) and/or (b) for a period not to exceed [8] years from that date.

During this period of deferral, the High Contracting Party shall:

(i) undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply, and

(ii) with respect to remotely delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines, comply with at least the requirements for self-deactivation.

2/ The issue of technical assistance to help countries reduce the period of deferral stated herein is subject of consultations under Article 11 of Protocol II.

4. International signs for minefields and mined areas

Signs similar to the example in Annex A and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

(a) Size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square.

(b) Colour: red or orange with a yellow reflecting border.

(c) Symbol: the symbol illustrated in Annex A, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area.

(d) Language: the sign should contain the word "mines" in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language(s) prevalent in that area.

(e) Spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

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Geneva, 22 April-3 May 1996

Technical Annex

Proposal submitted by Belgium

2. Specifications on detectability

(a) With respect to anti-personnel mines produced after the adoption of this amended Protocol, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(b) With respect to anti-personnel mines produced before the adoption of this amended Protocol, such mines shall either incorporate in their construction, or have attached at the time of their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single mass.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

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Article 11

Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

3. Each High Contracting Party in a position to do so shall provide assistance for mine clearance through the United Nations system, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be provided to the Depositary, who shall transmit them to all High Contracting Parties and to relevant international organizations.

5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to him, may take the appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General of the United Nations may also report to States Parties on such assessment as well as on the type and scope of assistance required.

6. Without prejudice to their constitutional and legal provisions, High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.

7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

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Article 13

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, Conferences of High Contracting Parties shall be held on an annual basis.

2. Participation in the annual conferences shall be determined by their agreed Rules of Procedure.

3. The work of the Conference shall include:

(a) review of the operation and status of the Protocol;

(b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;

(c) preparation for review Conferences; and

(d) consideration of the development of technologies to protect civilians against indiscriminate effects of landmines.

4. The High Contracting Parties shall provide annual reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the Conference, on any of the following matters:

(a) dissemination of information on the Protocol to their armed forces and to the civilian population;

(b) mine clearance and rehabilitation programmes;

(c) steps taken to meet technical requirements of the Protocol and any other relevant information pertaining thereto;

(d) legislation related to this Protocol;

(e) measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and

(f) other relevant matters.

5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

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Article 14

Compliance with this Protocol

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control.

2. The measures envisaged in paragraph 1 above include appropriate measures to ensure the imposition of penal sanctions against persons who [during an armed conflict and] contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice.

3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of this Protocol.

4. The High Contracting Parties undertake to consult each other and to cooperate with each other, bilaterally, through the Depositary or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

REVIEW CONFERENCE OF THE STATES PARTIES
TO THE CONVENTION ON PROHIBITIONS OR
RESTRICTIONS ONTHE USE OF CERTAIN
CONVENTIONAL WEAPONS WHICH MAY BE
DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS

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Article 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Application

(a) With the exception of the forces and missions referred to in paragraph 2 (a) (i) below, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.

(b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

(c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments, as applicable, which provide for a higher level of protection to personnel functioning in accordance with this Article.

2. Peace-keeping and certain other forces and missions

(a) This paragraph applies to:

(i) any United Nations force or mission [established by the Security Council] performing peace-keeping, observation [or similar] functions in any area in accordance with the Charter of the United Nations; and

[(ii) any other force or mission operating under a mandate of the Security Council, when authorized by the Security Council to receive the protections provided in this Article; and]

(iii) any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.

[However, this paragraph shall not apply to any force or mission authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.]

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) so far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control; and

(ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to him all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

3. Humanitarian and fact-finding missions of the United Nations

(a) This paragraph applies to any humanitarian or fact-finding missio of the United Nations system.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in paragraph 2 (b) (i) above; and

(ii) if access to or through any place under its control is necessary for the performance of the mission's functions a in order to provide the personnel of the mission with safe passage to or through that place:

(aa) unless on-going hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or (bb) if information identifying a safe route is not provided in accordance with subparagraph (aa) above, so far as is necessary and feasible, clear a lane through minefields.

4. Missions of the International Committee of the Red Cross

(a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 1949 and, where applicable, their Additional Protocols of 1977.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in paragraph 2 (b) (i) above; and

(ii) take the measures set out in paragraph 3 (b) (ii) above.

5. Other humanitarian missions and missions of inquiry

(a) Insofar as paragraphs 2, 3 and 4 above do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict or to assist the victims of a conflict:

(i) any humanitarian mission of a national Red Cross or Red Crescent society or of their International Federation; and

(ii) any mission of an impartial humanitarian organization, including any impartial humanitarian demining mission, and

(iii) any mission of inquiry established pursuant to the provisions of the Geneva Conventions of 1949 and, where applicable, their Additional Protocols of 1977.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:

(i) provide the personnel of the mission with the protection set out in paragraph 2 (b) (i) above; and

(ii) take the measures set out in paragraph 3 (b) (ii) above.

6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorization of the provider of the information.

7. Respect for laws and regulations

Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, personnel participating in the forces and missions referred to in this Article shall:

(a) respect the laws and regulations of the host State; and

(b) refrain from any action or activity incompatible with the impartial and international nature of their duties.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

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Revised President's text on Protocol II and Technical Annex

Article 1

Scope of application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. This Protocol shall apply, in addition to situations referred to in Article 1 of this Convention, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.

4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Protocol to parties to a conflict which are not High Contracting Parties that have accepted this Protocol shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

Article 2

Definitions

For the purpose of this Protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.

2. "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be "remotely delivered", provided that they are used in accordance with Article 5 and other relevant articles of this Protocol.

3. "Anti-personnel mine" means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

4. "Booby-trap" means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

5. "Other devices" means manually emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.

6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6 of this Article.

8. "Minefield" is a defined area in which mines have been emplaced and "mined area" is an area which is dangerous due to the presence of mines. "Phoney minefield" means an area free of mines that simulates a minefield. The term minefield includes phoney minefields.

9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. “Self-destructing mechanism" means an incorporated or externally attached automatically functioning mechanism which secures the destruction of a munition.

11. “Self-neutralizing mechanism" means an incorporated automatically functioning mechanism which renders a munition inoperable.

12. “Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, e.g. a battery, that is essential to the operation of the munition.

13. “Remote control" means a control by commands from a distance.

14. “Anti-handling device" means a device intended to protect a mine and which is part of, linked to or attached to, or placed under the mine and which activates when an attempt is made to tamper with the mine.

15. “Transfer" involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

Article 3

General restrictions on the use of mines, booby-traps and other devices

1. This Article applies to:

   (a) mines;

   (b) booby-traps; and

   (c) other devices.

2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.

3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.

4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.

5. It is prohibited to use mines, booby-traps or other devices which emplo a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic o other non-contact influence during normal use in detection operations.

6. It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning.

7. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.

8. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

(a) which is not on, or directed against, a military objective. In case of a doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used; or

(b) which employs a method or means of delivery which cannot be directed at a specific military objective; or

(c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

9. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects cannot be treated as a single military objective.

10. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to

(a) the short- and long-term effect of landmines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (e.g. fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short- and long-term military requirements for a minefield.

11. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

Article 4

Restrictions on the use of anti-personnel mines

It is prohibited to use anti-personnel mines which are not detectable, as defined in paragraph 2 of the Technical Annex.

Annex 5

Restrictions on the use of anti-personnel mines other than remotely delivered mines

1. This Article applies to anti-personnel mines other than remotely delivered mines.

2. It is prohibited to use weapons, to which this Article applies which are not self-destructing and self-deactivating, unless:

(a) such weapons are placed within a perimeter-marked area that is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and

(b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State that accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.

3. A party to the conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) of this Article only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If the party of the conflict regains control of the area, it shall resume compliance with the provisions of subparagraphs 2 (a) and 2 (b).

4. If the forces of a party to the conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. All feasible measures shall be taken to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. Weapons to which this Article applies and which propel fragments in a horizontal arc of less than 90 degrees and are placed on or above the ground may be used without the measures provided for in subparagraph 2 (a) of this Article for a maximum period of 72 hours, if:

(a) they are located in the immediate proximity of the military unit that emplaced them; and

(b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

Article 6

Restrictions on the use of remotely delivered mines

1. It is prohibited to use remotely delivered mines unless they are recorded in accordance with paragraph 1 (b) of the Technical Annex.

2. It is prohibited to use remotely delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation contained in the Technical Annex.

3. It is prohibited to use remotely delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with an effective self-destructing or self-neutralizing mechanism and have a back-up self-deactivating feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed in position.

4. Effective advance warning shall be given of any delivery or dropping of remotely delivered mines which may affect the civilian population, unless circumstances do not permit.

Article 7

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

(a) internationally recognized protective emblems, signs or signals;

(b) sick, wounded or dead persons;

(c) burial or cremation sites or graves;

(d) medical facilities, medical equipment, medical supplies or medical transportation;

(e) children's toys or other portable objects or products specially designed for feeding, health, hygiene, clothing or education of children;

(f) food or drink;

(g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) objects clearly of a religious nature;

(i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(j) animals or their carcasses.

2. It is prohibited to use booby-traps and other devices in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material.

3. Without prejudice to the provisions in Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or do not appear to be imminent, unless either:

(a) they are placed on or in close vicinity of a military objective; or

(b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issue of warnings or the provision of fences.

Article 8

Transfer

1. In order to promote the purposes of this Protocol, each High Contracting Party:

(a) undertakes not to transfer any mine the use of which is prohibited by this Protocol;

(b) undertakes not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers;

(c) undertakes to exercise restraint in the transfer of any mine the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State agrees to apply this Protocol;

(d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by the agents or agencies of both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.

2. In the event a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, subparagraph 1 (a) of this Article shall however apply to such mines.

3. All High Contracting Parties, pending the entry into force of this Protocol, will refrain from any actions, which would be inconsistent with subparagraph 1 (a) of this Article.

Article 9

Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of the minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of the adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10

Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.

2. High Contracting Parties and parties to a conflict bear such responsibility with respect to minefields, mined areas, booby-traps and other devices in areas under their control.

3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the party in control of the area pursuant to paragraph 2 of this Article, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.

4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations on the provisions of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

Article 11

Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

3. Each High Contracting Party in a position to do so shall provide assistance for mine clearance through the United Nations system, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be provided to the Depositary, who shall transmit them to all High Contracting Parties and to relevant international organizations.

5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to him, may take the appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General may also report to High Contracting Parties on such assessment as well as on the type and scope of assistance required.

6. Without prejudice to their constitutional and legal provisions, High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.

7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

Article 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Application

(a) With the exception of the forces and missions referred to in paragraph 2 (a) (i) below, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.

(b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

(c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments as applicable, or decisions by the United Nations Security Council, which provide for a higher level of protection to personnel functioning in accordance with this Article.

2. Peacekeeping and certain other forces and missions

(a) This paragraph applies to:

(i) any United Nations force or mission performing peacekeeping, observation or similar functions in any area in accordance with the Charter of the United Nations; and

(ii) any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) so far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control; and

(ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to him all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

3. Humanitarian and fact-finding missions of the United Nations

(a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations system.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in paragraph 2 (b) (i) above; and

(ii) if access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:

(aa) unless ongoing hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or

(bb) if information identifying a safe route is not provided in accordance with subparagraph (aa) above, so far as is necessary and feasible, clear a lane through minefields.

4. Missions of the International Committee of the Red Cross

(a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 1949 and, where applicable, their Additional Protocols of 1977.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in paragraph 2 (b) (i) above; and

(ii) take the measures set out in paragraph 3 (b) (ii) above.

5. Other humanitarian missions and missions of inquiry

(a) Insofar as paragraphs 2, 3 and 4 above do not apply to them, this paragraph applies to the following missions when they are performing function in the area of a conflict or to assist the victims of a conflict:

(i) any humanitarian mission of a national Red Cross or Red Crescent Society or of their International Federation; and

(ii) any mission of an impartial humanitarian organization, including any impartial humanitarian demining mission; and

(iii) any mission of inquiry established pursuant to the provisions of the Geneva Conventions of 1949 and, where applicable, their Additional Protocols of 1977.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:

(i) provide the personnel of the mission with the protections set out in paragraph 2 (b) (i) above; and

(ii) take the measures set out in paragraph 3 (b) (ii) above.

6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorization of the provider of the information.

7. Respect for laws and regulations

Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, personnel participating in the forces and missions referred to in this Article shall:

(a) respect the laws and regulations of the Host State; and

(b) refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 13

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, Conferences of High Contracting Parties shall be held on an annual basis.

2. Participation in the annual conferences shall be determined by their agreed Rules of Procedure.

3. The work of the Conference shall include:

(a) review of the operation and status of this Protocol;

(b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;

(c) preparation for review Conferences; and

(d) consideration of the development of technologies to protect civilians against indiscriminate effects of landmines.

4. The High Contracting Parties shall provide annual reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the Conference, on any of the following matters:

(a) dissemination of information on this Protocol to their armed forces and to the civilian population;

(b) mine clearance and rehabilitation programmes;

(c) steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;

(d) legislation related to this Protocol;

(e) measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and

(f) other relevant matters.

5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 14

Compliance with this Protocol

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control.

2. The measures envisaged in paragraph 1 of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice.

3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of this Protocol.

4. The High Contracting Parties undertake to consult each other and to cooperate with each other, bilaterally, through the Depositary or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

Technical Annex

1. Recording

(a) The recording of the location of mines other than remotely delivered mines, minefields, mined areas, booby-traps and other devices shall be done in accordance with the following:

(i) The location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by the relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these devices in relation to those reference points.

(ii) Maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, these records shall also indicate their perimeters and extent.

(iii) For purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information of all the munitions laid. Whenever feasible the minefield record shall show the exact location of every mine; except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.

(b) The estimated location and area of remotely delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.

(c) Copies of records are to be held at a level of command sufficient to guarantee their safety as far as possible.

(d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language(s) as follows:

- name of the country of origin
- month and year of production
- serial number or lot number.

The marking should be visible, readable, durable and resistant to environmental effects, as far as possible.

2. Specifications on detectability

(a) With respect to anti-personnel mines produced after 1 January 1997, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(b) With respect to anti-personnel mines produced before 1 January 1997, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams or more of iron in a single coherent mass.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraph (b) above, it may declare at the time of its notification of consent to be bound by this Protocol that it will defer compliance with subparagraph (b) above for a period not to exceed nine years from the entry into force of this Protocol. In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply.

3. Specifications for self-destruction and self-deactivation

(a) All remotely delivered anti-personnel mines shall be designed and constructed so that no more than 10 per cent of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruct mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.

(b) All non-remotely delivered anti-personnel mines, used outside of marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in subparagraph (a) above.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraphs (a) and/or (b) above, it may declare at the time of its notification of consent to be bound by this Protocol, that it will, with respect to mines produced prior to its entry into force defer compliance with subparagraphs (a) and/or (b) for a period not to exceed nine years from that date.

During this period of deferral, the High Contracting Party shall:

(i) undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply, and

(ii) with respect to remotely delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines comply with at least the requirements for self-deactivation.

4. International signs for minefields and mined areas

Signs similar to the example in Annex A and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

(a) Size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square.

(b) Colour: red or orange with a yellow reflecting border.

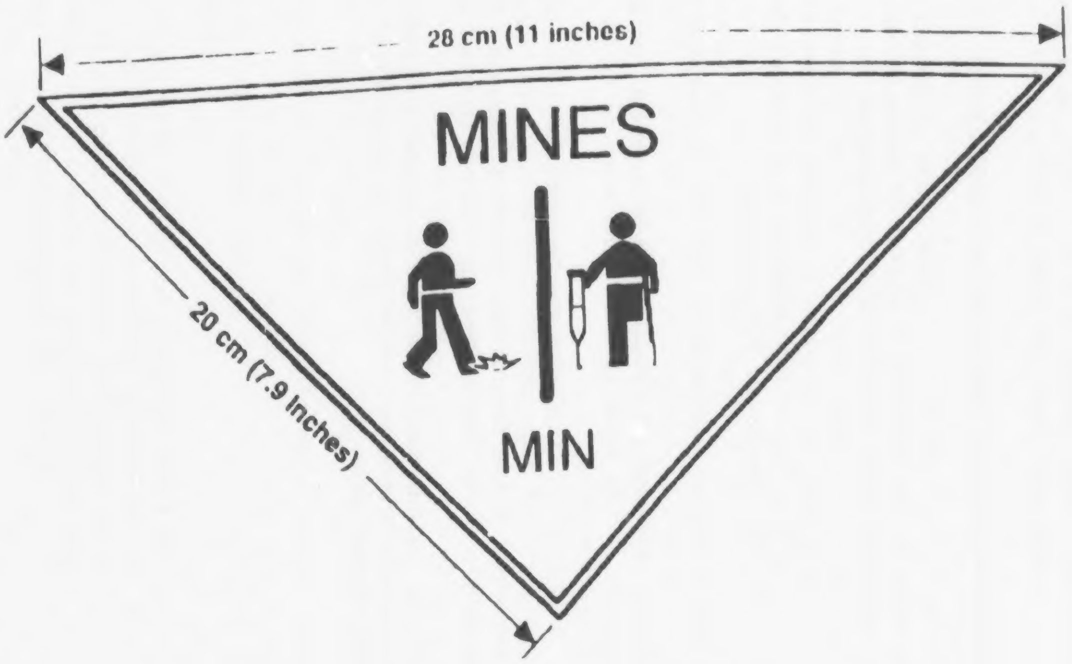
(c) Symbol: the symbol illustrated in Annex A, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area.

(d) Language: the sign should contain the word "mines" in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language(s) prevalent in that area.

(e) Spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.

Annex A

Warning Sign for Areas Containing Mines


28 cm (11 inches)
MINES
MIN
20 cm (7.9 inches)

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CRP.20/Rev.1
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Vienna, 25 September-13 October 1995
Geneva, 15-19 January 1996 (First resumed session)
Geneva, 22 April-3 May 1996 (Second resumed session)

DRAFT FINAL REPORT OF THE REVIEW CONFERENCE

CONTENTS

		Paragraphs	Page
I.	Introduction	1 - 4	2
II.	Organization	5 - 11	3
III.	Participation	12 - 20	4
IV.	Financial arrangements	21 - 22	7
V.	Work	23 - 34	7
VI.	Documentation	35	10
VII.	Decisions and recommendations	36 - 41	10

Annexes

Annex A Protocol on Blinding Laser Weapons (Protocol IV)

Annex B Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), as amended

Annex C Final Declaration of the Review Conference

I. Introduction

1. The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, under Article 8, subparagraph 3 (a), reads, inter alia, as follows:

> "If, after a period of 10 years following the entry into force of this Convention, no conference has been convened in accordance with subparagraph 1 (a) or 2 (a) of this Article, any High Contracting Party may request the Depositary to convene a conference to which all High Contracting Parties shall be invited to review the scope and operation of this Convention and the Protocols annexed thereto and to consider any proposal for amendments of this Convention or of the existing Protocols. States not parties to this Convention shall be invited as observers to the conference. The conference may agree upon amendments which shall be adopted and enter into force in accordance with subparagraph 1 (b) above."

2. On 16 December 1993, the General Assembly, by its resolution 48/79, welcomed the request to the Secretary-General to convene at an appropriate time, if possible in 1994, in accordance with article 8, paragraph 3, of the Convention, a conference to review the Convention and encouraged the States parties to request the Secretary-General to establish as soon as possible a group of governmental experts to prepare the review conference and to furnish needed assistance and assure service, including the preparation of analytical reports that the review conference and the group of experts might need. It also called upon the maximum number of States to attend the conference, to which the States parties may invite interested non-governmental organizations, in particular the International Committee of the Red Cross.

3. On 22 December 1993, States Parties to the Convention submitted a letter to the Secretary-General of the United Nations requesting him, in his capacity as depositary of the Convention, to convene a Conference of the High Contracting Parties to review the provisions of the Convention. In the letter, the States parties also requested that a group of experts be established with a view to facilitating preparations for this Conference (doc. CCW/CONF.I/8/Rev.1, para. 3).

4. Accordingly, the Secretary-General established the Group of Governmental Experts to Prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. The Group of Governmental Experts held four sessions in Geneva as follows: the first session took place from 28 February to 4 March 1994, the second from 16 to 27 May 1994, the third from 8 to 19 August 1994 and the fourth from 9 to 20 January 1995. A summary of the

work of the Group of Governmental Experts as well as on participation in the Group's sessions is contained in document CCW/CONF.1/8/Rev.1, paragraphs 4 to 8.

II. Organization

5. In accordance with the decisions of the Group of Governmental Experts, the first phase of the Review Conference was held in Vienna from 25 September to 13 October 1995 at the Austria Center Vienna and the Vienna International Centre. On 25 September, the Conference was opened by the Chairman of the Group of Governmental Experts, Mr. Johan Molander (Sweden), who was subsequently elected by acclamation as President of the Conference.

6. At its 1st plenary meeting, on 25 September 1995, the Conference also unanimously confirmed the nomination of Mr. Sohrab Kheradi, Deputy Director of the United Nations Centre for Disarmament Affairs, as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations, following an invitation by the Group of Governmental Experts. At its 11th plenary meeting, on 22 April 1996, the President informed the Conference that the Secretary-General of the Conference, Mr. Sohrab Kheradi, was unable to attend the second resumed session and proposed that Mrs. Hannelore Hoppe, Senior Political Affairs Officer of the United Nations Centre for Disarmament Affairs, assume the responsibilities of Acting Secretary-General of the Conference. The Conference endorsed this proposal.

7. At its 1st plenary meeting, the Conference, in accordance with its Rules of Procedure, unanimously elected 10 Vice-Presidents from the following States Parties:

Austria
China
France
India
Mexico
Russian Federation
Slovakia
Tunisia
Ukraine
United States of America

8. At the same meeting, the Conference also unanimously elected the Chairmen and Vice-Chairmen of the three Main Committees, the Drafting Committee and the Credentials Committee, as follows:

Main Committee I	Chairman	Mr. Tibor Tóth (Hungary)
	Vice-Chairman	Mr. Jaap Ramaker (Netherlands)
Main Committee II	Chairman	Mr. Jorge Morales Pedraza (Cuba)
	Vice-Chairman	Mr. Richard G. Starr (Australia)
Main Committee III	Chairman	Mr. Wolfgang Hoffman (Germany)
	Vice-Chairman	Mr. Peter Poptchev (Bulgaria)

Drafting Committee	Chairman	Mr. Mark J. Moher (Canada)
	Vice-Chairman	Mr. Taoufik Jabeur (Tunisia)
Credentials Committee	Chairman	Mr. Zdzislaw Galicki (Poland)
	Vice-Chairman	Baron Alain Guillaume (Belgium)

9. The Conference also appointed, on the proposal of the President, representatives from the following three States parties as members of the Credentials Committee: China, Finland and Pakistan.

10. At its 8th plenary meeting, on 13 October 1995, the Conference adopted by consensus the text of the Protocol on Blinding Laser Weapons (Protocol IV).

11. At the same meeting, the Conference decided by consensus, that in view of the additional time needed to complete its work on Protocol II, it would continue in resumed sessions, to be held from 15 to 19 January 1996 and from 22 April to 3 May 1996, with a view to concluding the review and the amendment of Protocol I. The interim reports of the first phase of the Conference, held in Vienna, and of the first resumed session, held in January 1996 in Geneva, are contained in documents CCW/CONF.I/8/Rev.1 and CCW/CONF.I/11, respectively.

III. Participation

12. Representatives of 44 States Parties to the Convention participated in the first phase of the Conference (25 September to 13 October 1995, Vienna), as follows:

Australia
Austria
Belarus
Belgium
Bosnia and Herzegovina
Bulgaria
Canada
China
Croatia
Cuba
Cyprus
Czech Republic
Denmark
Ecuador
Finland
France
Germany
Greece
Hungary
India
Ireland
Israel
Italy
Japan
Latvia
Liechtenstein
Mexico
Mongolia
Netherlands
New Zealand
Norway
Pakistan
Poland
Russian Federation
Slovakia
Slovenia
Spain
Sweden
Switzerland
Tunisia
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay

13. In accordance with Rule 1 of the Rules of Procedure, representatives of the following 40 States not parties to the Convention participated in the first phase of the Conference as observers:

Albania
Angola
Argentina
Bolivia
Brazil
Burundi
Cambodia
Chile
Colombia
Egypt
Ethiopia
Gabon
Holy See
Iceland
Indonesia
Iran (Islamic Republic of)
Jordan
Libyan Arab Jamahiriya
Luxembourg
Morocco
Mozambique
Nicaragua
Oman
Paraguay
Peru
Philippines
Portugal
Republic of Korea
Republic of Moldova
Romania
Saudi Arabia
Singapore
South Africa
Sudan
Syrian Arab Republic
Thailand
Turkey
United Republic of Tanzania
Venezuela
Viet Nam

14. In accordance with Rules 46, 47 and 48 of the Rules of Procedure, representatives of the United Nations Children's Fund, the United Nations Department of Humanitarian Affairs, the United Nations Development Programme, the United Nations High Commissioner for Refugees, the European Community, the League of Arab States, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the Sovereign Order of Malta participated in the Conference as observers. In accordance with Rule 49 of the Rules of Procedure, representatives of 66 non-governmental organizations attended public meetings of the Conference and its Main Committees.

15. At the first resumed session (15-19 January 1996, Geneva), representatives of the following 43 States Parties to the Convention participated in the session:

Australia
Austria
Belgium
Bulgaria
Canada
China
Croatia
Cuba
Cyprus
Czech Republic
Denmark
Ecuador
Finland
France
Germany
Greece
Hungary
India
Ireland
Israel
Italy
Japan
Latvia
Liechtenstein
Malta
Mexico
Mongolia
Netherlands
New Zealand
Norway
Pakistan
Poland
Russian Federation
Slovakia
Slovenia
Spain
Sweden
Switzerland
Tunisia
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay

16. In accordance with Rule 1 of the Rules of Procedure, representatives of the following 33 States not parties to the Convention participated in the session as observers:

Afghanistan
Algeria
Angola
Argentina
Armenia
Bolivia
Brazil
Burundi
Chile
Colombia
Egypt
Holy See
Honduras
Indonesia
Iran (Islamic Republic of)
Jordan
Libyan Arab Jamahiriya
Luxembourg
Morocco
Nicaragua
Nigeria
Peru
Philippines
Portugal
Republic of Korea
Romania
Singapore
South Africa
Syrian Arab Republic
Thailand
Turkey
Union of Myanmar
Viet Nam

17. In accordance with Rules 46, 47 and 48 of the Rules of Procedure, representatives of the United Nations Children's Fund, the United Nations Department of Humanitarian Affairs, the United Nations High Commissioner for Refugees, the United Nations Institute for Disarmament Research, the League of Arab States, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the Sovereign Order of Malta participated in the session as observers. In accordance with Rule 49 of the Rules of Procedure, representatives of 25 non-governmental organizations attended the public meetings of the session.

18. At the second resumed session (22 April to 3 May 1996, Geneva), representatives of the following 51 States Parties to the Convention participated in the session:

Argentina
Australia
Austria
Belarus
Belgium
Brazil
Bulgaria
Canada
China
Croatia
Cuba
Cyprus
Czech Republic
Denmark
Ecuador
Finland
France
Germany
Greece
Guatemala
Hungary
India
Ireland
Israel
Italy
Japan
Jordan
Laos People's Democratic Republic
Latvia
Liechtenstein
Malta
Mexico
Mongolia
Netherlands
New Zealand
Norway
Pakistan
Poland
Romania
Russian Federation
Slovakia
Slovenia
South Africa
Spain
Sweden
Switzerland
Tunisia
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay

19. In accordance with Rule 1 of the Rules of Procedure, representatives of the following 35 States not parties to the Convention participated in the session as observers:

Afghanistan
Algeria
Angola
Armenia
Azerbaijan
Bolivia
Burundi
Cambodia
Chad
Chile
Colombia
Egypt
El Salvador
Ethiopia
Holy See
Honduras
Iceland
Indonesia
Iran (Islamic Republic of)
Luxembourg
Morocco
Mozambique
Peru
Philippines
Portugal
Republic of Korea
Singapore
Syrian Arab Republic
Thailand
Turkey
Union of Myanmar
Venezuela
Viet Nam
Zambia
Zimbabwe

20. In accordance with Rules 46, 47 and 48 of the Rules of Procedure, representatives of the United Nations Children's Fund, the United Nations Department of Humanitarian Affairs, the United Nations High Commissioner for Refugees, the United Nations Institute for Disarmament Research, the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the Sovereign Order of Malta participated in the session as observers. In accordance with Rule 49 of the Rules of Procedure, representatives of 70 non-governmental organizations attended public meetings of the session.

IV. Financial arrangements

21. At its 1st plenary meeting, on 25 September 1995, the Conference adopted the arrangements for meeting the costs of the Conference, as contained in document CCW/CONF.I/GE/22/Rev.1, in accordance with Rule 16 of the Rules of Procedure.

22. At its 9th meeting, on 15 January 1996, the Conference adopted the arrangements for meeting the costs of the resumed sessions, as contained in document CCW/CONF.I/10, in accordance with Rule 16 of the Rules of Procedure.

V. Work

23. Under the Presidency of Mr. Johan Molander, the Conference held ... plenary meetings: 8 meetings during its first phase in September/October in Vienna; 2 meetings during the first resumed session in January 1996; and ... during the second resumed session in April/May 1996. In addition, the Conference held a number of informal meetings.

24. At its 1st plenary meeting, on 25 September 1995, the Conference adopted its agenda (CCW/CONF.I/2) and its Rules of Procedure, as orally amended, (CCW/CONF.I/1). At the same meeting, the Conference adopted its programme of work and decided to distribute its work among the three Main Committees as follows:

(a) Main Committee I: Review of the scope and operation of the Convention and its annexed Protocols, consideration of any proposals relating to the Convention and preparation and consideration of the final documents;

(b) Main Committee II: Consideration of any proposal relating to the Protocols annexed to the Convention;

(c) Main Committee III: Consideration of proposals for additional Protocols to the Convention.

25. At its 2nd meeting, on 26 September 1995, the Conference received a message from the Secretary-General of the United Nations which was delivered through a video broadcast. At the first and second resumed sessions, additional messages from the Secretary-General of the United Nations were delivered by Mr. Vladimir Petrovsky, Director General of the United Nations Office at Geneva.

26. During the first phase of its work, the Conference held a general exchange of views from 26 to 28 September 1995. A number of delegations as well as non-governmental organizations participated in that exchange of views. At the opening meeting of the second resumed session, on 22 April 1996, statements were made by a number of delegations as well as non-governmental organizations.

27. Main Committee I held 17 meetings: 8 during the first phase of the Conference in September/October 1995, in Vienna, and 9 meetings during the second resumed session in April/May 1996 in Geneva. Its report (CCW/CONF.I/MC.I/1), together with the draft Final Declaration of the Review Conference (doc. CCW/CONF.I/WP.1/Rev.1), were submitted to the Conference at the 13th plenary meeting, on 3 May 1996, at which time the Conference took note of the report.

28. Main Committee II held 10 meetings from 26 September to 10 October 1995 in Vienna. Pursuant to the decision taken by the Conference on 13 October 1995, work during the first resumed session in January 1996 in Geneva focused on Articles 2-6 of Protocol II and the Technical Annex and was carried out in the framework of open-ended informal consultations of the President of the Conference. In addition, a meeting of military experts was convened by the President on 18 January 1996, with a view to addressing relevant issues.

29. At its 10th plenary meeting, on 19 January 1996, the President submitted to the Conference a revised version of the President's text (CCW/CONF.I/WP.4/Rev.1), incorporating certain changes to Articles 2-6 and the

Technical Annex of the draft amended Protocol II contained therein for the consideration of delegations, and to serve as a basis for the work of the concluding session of the Review Conference. The amended version of the President's text reflected the stage of negotiations as seen by the President and did not commit any delegation.

30. At its 11th plenary meeting, on 22 April 1996, the Conference, at the recommendation of the General Committee, decided that, in view of the developments during the first phase of the Conference in Vienna and subsequent developments at the first resumed session in January, work on Protocol II and its Technical Annex should be transferred to the Plenary and should continue in the form of consultations of the President and Friends of the Chair. Consequently, the Conference agreed that the President would continue consultations on the outstanding technical issues, i.e. new draft Articles 2-10 of Protocol II and the new draft Technical Annex as contained in document CCW/CONF.I/WP.4/Rev.1. Mr. Max Gevers (Netherlands) was appointed as Friend of the Chair on new draft Article 8 on "Transfer". Mr. José Viegas Filho (Brazil) was appointed as Friend of the Chair on new draft Article 11 on "Technological cooperation and assistance". Mr. Mark J. Moher (Canada) was appointed as Friend of the Chair on new draft Article 13 on "Consultations of High Contracting Parties" and on new draft Article 14 on "Compliance". The leaders of the delegations of India and the United Kingdom were entrusted with the task of undertaking consultations on new draft Article 12 on "Protection from the effects of minefields, mined areas, booby-traps and other devices".

31. At the 12th plenary meeting, on 30 April 1996, the President presented to the Conference the amended Protocol II and the Technical Annex (doc. CCW/CONF.I/CRP.19), which also incorporated the results of the consultations of the Friends of the Chair. At the same meeting, the Conference agreed to transmit it to the Drafting Committee for its consideration on the understanding that this did not commit any delegation to the amended Protocol.

32. Main Committee III held five meetings from 26 September to 6 October 1995 and submitted its report (CCW/CONF.I/4) to the Conference at its 7th meeting, on 12 October 1995, annexed to which was the draft text of the Protocol on Blinding Laser Weapons. At the same meeting, the Conference took note of this report and decided to transmit it to the Drafting Committee for its consideration.

33. The Credentials Committee held three meetings during the first phase of the Conference between 28 September and 11 October 1995 and submitted its report (CCW/CONF.I/6*) as orally amended, to the Conference at its 8th meeting, on 13 October 1995. At the same meeting, the Conference took note of this report. During the second resumed session, the Credentials Committee held three meetings, between 24 April 1996 and 2 May 1996 and submitted its report (CCW/CONF.I/CC/1) to the Conference at its 13th meeting. At its 14th meeting, the Conference approved the report of the Committee and adopted the draft resolution contained therein.

34. The Drafting Committee held one meeting on 12 October 1995. The Chairman of the Drafting Committee presented an oral report on the work of the Committee during the first phase of the Conference at the 8th plenary meeting, on 13 October 1995. During the second resumed session, the Drafting Committee held one meeting on 30 April 1996 and two meetings on 1 May 1996. The Chairman of the Committee made an oral report to the Conference at its 13th meeting. At the same meeting, the Conference took note of this report.

VI. Documentation

35. A list of the documents of the Conference is contained in part II of the present document.

VII. Decisions and recommendations

36. At its 8th plenary meeting, on 13 October 1995, the Conference, by consensus, adopted the text of the Protocol on Blinding Laser Weapons (Protocol IV) (CCW/CONF.I/7) which is annexed to this document (Annex A). On 12 December 1995, the Secretary-General of the United Nations, in accordance with his function as depositary of the Convention and its Protocols, circulated Protocol IV to all States.

37. At its ... plenary meeting, on ... May, the Conference ... the amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices which is annexed to the present document (Annex B).

38. At the time of adoption of the amended Protocol II, a number of States Parties made statements with regard to the provisions of this Protocol. Those statements are reflected in the summary records of the meeting.

39. At the same meeting, the Conference ... the Final Declaration of the Review Conference, which is annexed to the present document (Annex C).

40. Also at the same meeting, the Conference ... its final report.

41. The Conference recommends the Protocol on Blinding Laser Weapons (Protocol IV) and Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, to States Parties with a view to achieving the early entry into force of those instruments and the widest possible adherence to them. The Conference further recommends to all States that have not yet done so to take all necessary measures to become parties, as soon as possible, to the Convention, including Protocol I, Protocol III, Protocol IV and Protocol II as amended on 3 May 1996.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITION OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/MC.I/1
1 May 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

REPORT OF MAIN COMMITTEE I

1. The Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, at its first plenary meeting, on 25 September 1995, decided to entrust Main Committee I with the mandate to "review the scope and operation of the Convention and its annexed Protocols, to consider any proposal relating to the Convention and to prepare and consider the final documents."

2. The Committee held eight formal meetings and a number of informal meetings from 28 September to 13 October 1995, under the Chairmanship of Ambassador Tibor Tóth of Hungary. Ambassador Jaap Ramaker of the Netherlands served as Vice-Chairman of the Committee. During the period 25 September to 13 October 1995, Mrs. Hannelore Hoppe, Senior Political Affairs Officer of the United Nations Centre for Disarmament Affairs, served as Secretary of the Committee.

3. In the course of its consideration of items 13 and 14, respectively, of the agenda of the Review Conference, entitled "Review of the scope of operation of the Convention and its annexed Protocols" and "Consideration of any proposal for the Convention and its existing Protocols", the Committee had before it the following documents:

CCW/CONF.I/MC.I/CRP.1	Compilation of proposals
CCW/CONF.I/MC.I/CRP.2	Compilation of proposals
CCW/CONF.I/MC.I/CRP.3	Compilation of proposals
CCW/CONF.I/MC.I/CRP.4 and Rev.1	Draft Final Declaration
CCW/CONF.I/MC.I/CRP.5	Draft Report of Main Committee I

4. In the course of its deliberations in Vienna, the Committee had before it a number of proposals regarding the review of the scope and operation of the Convention and its annexed Protocols as well as proposals for amendments of the Convention. At its sixth meeting on 11 October 1995, the Chairman of the Committee submitted a paper (CCW/CONF.I/MC.I/CRP.4 and Rev.1) with a view to reaching consensus on a draft Final Declaration of the Conference.

5. At its 8th meeting on 11 October 1995, the Committee decided to submit, for further consideration by the Conference, the draft Final Declaration which was later issued as document CCW/CONF.I/WP.1 dated 11 October 1995.

6. During the Second Resumed Session held in Geneva from 22 April to 3 May 1996 the Committee held nine additional formal meetings and a considerable number of informal meetings and private consultations. Ambassador Tibor Tóth of Hungary continued as Chairman of the Committee. Mr. Vladimir Bogomolov, Political Affairs Officer of the United Nations Centre for Disarmament Affairs, served as Secretary of the Committee.

7. During the Second Resumed Session, the Committee continued consideration of the Draft Final Declaration CCW/CONF.I/WP.1 with the view to its finalization. In the course of its deliberations the Committee had before it a number of proposals related to the Draft Final Declaration and Protocol II as presented in the following documents:

CCW/CONF.I/MC.I/CRP.6	Compilation of Proposals for the Final Declaration Concerning Protocol II
CCW/CONF.I/MC.I/CRP.7	Additional Compilation of Proposals for the Final Declaration Concerning Protocol II
CCW/CONF.I/MC.I/CRP.8	Compilation of Proposals for the Final Declaration
CCW/CONF.I/MC.I/CRP.9	Compilation of Proposals for the Final Declaration
CCW/CONF.I/MC.I/CRP.10	Compilation of Proposals for the Final Declaration
CCW/CONF.I/MC.I/CRP.11	Compilation of Proposals for the Final Declaration
CCW/CONF.I/MC.I/CRP.12	Draft Report of Main Committee I

8. At its 9th meeting on 1 May 1996, the Committee adopted the draft report (CCW/CONF.I/MC.I/CRP.12) as well as the Draft Final Declaration (CCW/CONF.I/WP.I/Rev.1) and recommended these documents for the approval and adoption by the Conference.

REVIEW CONFERENCE OF THE STATES PARTIES
TO THE CONVENTION ON PROHIBITION OR
RESTRICTIONS ON THE USE OF CERTAIN
CONVENTIONAL WEAPONS WHICH MAY BE
DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/DC/1
3 May 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

Report of the Drafting Committee

1. I am pleased on behalf of the Drafting Committee to report to you, Mr. President that the Committee is able to present the agreed results of its work to this Plenary for further action.

2. In doing so there are two comments I should make in my capacity as Chairman:

(a) Article 10 (3):

Several delegations considered that the drafting of this paragraph should be clarified without altering its substance; a small group of delegations consulted on this matter but it was concluded that such a redrafting without altering substance was unfortunately not possible, certainly in the time available; thus, while several delegations continue to have reservations on the drafting of this paragraph, it was finally agreed to include the paragraph as is.

(b) Article 8:

During the Drafting Committee's work on this Article the Delegation of Pakistan pointed out that it had difficulties with this provision. My understanding is that these difficulties have now been resolved.

3. As a further point, Mr. President, I wish to point out that during our review of the results of the Drafting Committee's work it had been noted that several textual corrections were not made; translation questions are also being addressed; the Legal Adviser and the Secretariat are ensuring that all these final corrections - which are not substantive - will be made. May I also add, Mr. President, that I understand the language versions will be available in the near future. The Secretary-General of the Conference may have additional information in this regard.

4. In addition, Mr. President, the title formulation for the amended Protocol approved by the Drafting Committee on 1 May was subsequently amended on 2 May during consideration of our Final Report in the informal plenary under your Presidency. The Secretariat will be circulating an amended version of page 1 of document CCW/CONF.1/14.

5. In conclusion, Mr. President, I wish to thank all delegations for their positive spirit of cooperation during the Drafting Committee's work.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITION OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/CC/1
2 May 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

Report of the Credentials Committee

1. Rule 4 of the Rules of Procedure of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects provides that:

> "1. There shall be a Credentials Committee of five members elected by the Conference on the proposal of the President.
>
> "2. The Credentials Committee shall examine the credentials of representatives and report to the Conference."

2. In accordance with the above-mentioned Rule, the Conference, at its first phase held in Vienna from 25 September to 13 October 1995, on the proposal of the President, appointed the following countries as members of the Credentials Committee: Belgium, China, Finland, Pakistan and Poland.

3. At that same meeting, in accordance with Rule 6 of its Rules of Procedure, the Conference unanimously elected Professor Zdzislaw Galicki (Poland) as Chairman of the Credentials Committee and Ambassador Baron Alain Guillaume (Belgium) as Vice-Chairman of the Committee. Ms. Cheryl H. Stoute Political Affairs Officer of the United Nations Centre for Disarmament Affairs, served as Secretary of the Committee. The Bureau and members of the Committee remained unchanged during the three sessions of the Review Conference.

4. The Credentials Committee decided that, at the first resumed session, held in Geneva from 15 to 19 January 1996, States Parties would not be required to submit formal credentials. It was also decided that, at the second resumed session and final phase of the Review Conference, those States which had in the meantime become Parties to the Convention and those which had different heads of delegation would have to submit new credentials to the Secretary-General of the Review Conference (see doc. CCW/CONF.1/6* for details of the Vienna session).

5. The Committee held its 1st and 2nd meetings on 24 and 30 April 1996, respectively, to examine the credentials received as of those dates. The

Committee had before it two memoranda of the same dates from the Acting Secretary-General of the Conference, Mrs. Hannelore Hoppe, Senior Political Affairs Officer of the United Nations Centre for Disarmament Affairs, containing information on the status of the credentials of the representatives of the States Parties attending the Conference. Pursuant to Rule 4 of the Rules of Procedure, the Chairman, on behalf of the Committee, reported to the General Committee on the status of the credentials of the States parties.

6. Noting the information contained in the memoranda of the Acting Secretary-General, the Committee requested the Chairman to invite those States parties that had not yet done so to submit to the Secretary-General of the Conference the credentials of their representatives in accordance with Rule 3 of the Rules of Procedure. The Chairman decided that he would contact those States directly to remind them of the terms of Rule 3 regarding the presentation of their credentials.

7. At its 3rd meeting, on 2 May, the Acting Secretary-General made an oral report to the Committee, which also had before it her memorandum of the same date giving current information on the status of the credentials of representatives of States parties participating in the Conference.

8. Having examined the information contained in the Acting Secretary-General's three memoranda, as well as the documentation received from States parties and States not parties to the Convention, the Committee noted that as of 2 May 1996:

I. States Parties

(a) Formal credentials in due form, as provided for by Rule 3 of the Rules of Procedure, had been communicated to the Secretary-General of the Conference for representatives from the following States parties:

> Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Lao People's Democratic Republic, Latvia, Liechtenstein, Mexico, Mongolia, Netherlands, New Zealand, Norway, Pakistan, Poland, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America;

(b) Provisional credentials of the representatives of the following States parties had been communicated to the Secretary-General of the Conference:

> China, Cuba, Guatemala, Jordan, Malta and Uruguay.

II. States not parties

The following States not parties to the Convention, which had been among those invited as observers, had accredited their representatives:

(a) Signatories: Afghanistan, Egypt, Iceland, Luxembourg, Morocco, Philippines, Portugal, Sudan, Turkey and Viet Nam;

(b) Non-signatories: Algeria, Angola, Armenia, Bolivia, Burundi, Cambodia, Chile, Colombia, El Salvador, Ethiopia, Holy See, Honduras, Indonesia, Iran (Islamic Republic of), Mozambique, Peru, Republic of Korea, Singapore, Syrian Arab Republic, Thailand, Union of Myanmar, Venezuela, Zambia and Zimbabwe.

9. On the proposal of the Chairman, the Committee agreed to accept the credentials of those States Parties referred to in paragraph 8 I (a) and (b) above, on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 8 I (b) would be submitted as soon as possible, in accordance with Rule 3 of the Rules of Procedure.

10. In view of the foregoing, the present report is submitted to the Conference.

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

11. The Credentials Committee recommends to the Conference the adoption of the following draft resolution:

"Report of the Credentials Committee to the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects"

"The Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

"*Having considered* the report of the Credentials Committee and the recommendation contained therein,

"*Approves* the report of the Credentials Committee."

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.1
27 September 1995

Original: ENGLISH

Vienna, 25 September - 13 October 1995

SUMMARY RECORD OF THE 1st MEETING

Held at the Austria Center Vienna,
on Monday, 25 September 1995, at 3 p.m.

Acting President: Mr. GIACOMELLI (Director-General, United Nations Office in Vienna, and representative of the Secretary-General)

President: Mr. MOLANDER (Sweden)

CONTENTS

OPENING OF THE CONFERENCE BY THE CHAIRMAN OF THE GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

SUBMISSION OF THE FINAL REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS

STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

ELECTION OF THE PRESIDENT OF THE CONFERENCE

ADOPTION OF THE AGENDA

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of distribution of this document to the Chief, Translation and Editorial Service, room D0710, Vienna International Centre.

Any corrections to the records of this meeting and of other meetings of the Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

CONTENTS (continued)

ADOPTION OF THE RULES OF PROCEDURE

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL OF THE CONFERENCE

ELECTION OF VICE-PRESIDENTS OF THE REVIEW CONFERENCE, CHAIRMEN AND VICE-CHAIRMEN OF THE DRAFTING COMMITTEE, THE CREDENTIALS COMMITTEE AND THE MAIN COMMITTEES

ADOPTION OF ARRANGEMENTS FOR MEETING THE COSTS OF THE CONFERENCE

APPOINTMENT OF THE CREDENTIALS COMMITTEE

ORGANIZATION OF WORK INCLUDING THAT OF THE SUBSIDIARY BODIES OF THE CONFERENCE

The meeting was called to order at 3.30 p.m.

OPENING OF THE CONFERENCE BY THE CHAIRMAN OF THE GROUP OF GOVERNMENTAL EXPERTS TO PREPARE THE REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

1. Mr. MOLANDER (Sweden), Chairman of the Group of Governmental Experts, declared open the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW Convention).

SUBMISSION OF THE FINAL REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS

2. Mr. MOLANDER (Sweden), Chairman of the Group of Governmental Experts, said that at the request of the States Parties and pursuant to General Assembly resolution 48/79, the Secretary-General had convened a Group of Governmental Experts open to all Member States of the United Nations to prepare the Review Conference of the CCW Convention. The Group had held four two-week sessions in Geneva and at its last session had adopted the report contained in document CCW/CONF.I/1. There were five annexes to the report; annex I contained the Chairman's so-called rolling text, reflecting the state of negotiations on a revised version of Protocol II to the Convention; annex II, a proposal for a new protocol on blinding weapons; annex III, draft rules of procedure; annex IV, a draft provisional agenda; and annex V, the progress reports of the 1st, 2nd and 3rd sessions of the Group of Experts.

3. The Group had concentrated its efforts on revising the text of Protocol II on landmines, boobytraps and other devices. Although negotiations had often proved difficult, consensus had emerged on a number of important issues. First, the scope of Protocol II should be extended to cover conflicts of a non-international character. Second, anti-personnel landmines which were not easily detectable and remotely-delivered mines which were not self-destructing should be banned. Articles 3 and 4 of the Chairman's rolling text reflected the desire of States Parties to further restrict the use of non-self-destructing or non-self-neutralizing anti-personnel mines and to make the responsibility of mine-laying parties unambiguous. Provision was also made for new obligations aimed at protecting United Nations forces and missions as well as the International Committee of the Red Cross (ICRC) and other humanitarian organizations from the effects of minefields and mined areas. Considerable work had been done with a view to refining and updating article 2 on definitions and the Technical Annex to the Protocol.

4. While a number of delegations had wished to go further and ban all use of anti-personnel landmines, there seemed to be an understanding on the extent to which the technical parts of the Protocol could be reinforced and on the need for strengthened provisions on technical cooperation and assistance in mine clearance. The various proposals on those subjects were reflected under article 9 bis of the rolling text and remained to be consolidated.

5. There had been less agreement on other issues covered in the rolling text. For instance, the proposal contained in article 6 ter to include a provision in the Protocol on transfers of mines required further negotiation. Moreover, despite considerable discussion on transparency, verification and compliance, no agreement had been reached on whether to include the concept of verification in the Protocol. Views had also differed as to how the various proposals on those issues should relate to each other. It had finally been agreed to forward to the Review Conference three separate proposals, which were set out as alternatives A, B and C in appendix I of the rolling text. A number of proposals had been put forward during discussions on Protocol II on such matters as entry into force, denunciation and periodicity of review meetings. Since they in fact related to the Convention proper, they had been listed separately in appendix II.

6. Although important progress had been made on many aspects of Protocol II, the Group of Governmental Experts had been unable to resolve all issues. Probably a more political atmosphere, such as was provided by the Review Conference, would be required to achieve consensus on all matters, in particular transfers and verification, by consolidating the detailed work carried out by the Group.

7. Some time had also been devoted to the issue of blinding laser weapons. The draft text for a fourth protocol on blinding weapons, contained in annex II of the report, had been the subject of broad consultations and discussions. However, it did not commit any delegation at the present stage. Article 1 dealt with the employment of laser beams to cause permanent blindness as a method of warfare. Article 2 was intended to prohibit the employment of laser weapons primarily designed to blind. Article 3 would make exceptions for the incidental or collateral effects of laser beams on the battlefield.

8. Regarding the financial arrangements for the Review Conference, the Group had adopted the estimated costs contained in document CCW/CONF.I/GE/22/Rev.1. Its recommendations for the rules of procedure and agenda were before the Conference. Under the draft rules of procedure, representatives of organizations having been granted observer status in the United Nations, of United Nations organs, related agencies or other intergovernmental organizations as well as the International Committee of the Red Cross, would be allowed to participate in the deliberations of the Conference and its subsidiary bodies as observers. Furthermore, in accordance with rule 49, non-governmental organizations would be able to designate representatives to attend public meetings of the Conference and its Main Committees. Upon the invitation of the presiding officer of the plenary and subject to the approval of that body, representatives of such organizations would also be able to make oral statements relating to issues on which they had special competence.

9. In conclusion, he conveyed his thanks to the delegations participating in the Group of Governmental Experts, in particular to the two Vice-Chairmen and the Secretariat for the constructive working atmosphere maintained throughout its deliberations.

STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

10. The ACTING PRESIDENT, speaking as representative of the Secretary-General of the United Nations, welcomed delegates to the Review Conference, which was a major event in the common endeavour to prohibit or restrict the use of certain conventional weapons which might be deemed to be excessively injurious or to have indiscriminate effects. The Secretary-General attached great importance to the international community's efforts to solve the landmine problem, as he had emphasized in his supplement to An Agenda for Peace. The proliferation of landmines created dramatic situations in a number of countries and endangered the lives of millions of individuals, and the ideal might be a total ban on such weapons. The Review Conference faced a daunting task in striking a balance between what was desirable and what was practicable. It was to be hoped that it would reach agreement on new and effective provisions to prevent any further proliferation and indiscriminate use of landmines as well as the development of other types of inhumane weapons. It was regrettable that technological progress led to situations which were dangerous and an affront to humanity. He wished delegates every success in their work, assuring them of the full support of the staff of the United Nations Office at Vienna.

ELECTION OF THE PRESIDENT OF THE CONFERENCE

11. The ACTING PRESIDENT said that, at its final session in January 1995, the Group of Governmental Experts had decided to recommend to the Review Conference the election of Mr. Molander (Sweden) as President. He would take it that the Conference wished to endorse that recommendation.

12. Mr. Molander (Sweden) was elected President of the Conference by acclamation.

13. Mr. Molander (Sweden) took the Chair.

ADOPTION OF THE AGENDA

14. The PRESIDENT said that, if he heard no objection, he would take it that the Conference wished to adopt the agenda contained in annex IV to the final report of the Group of Governmental Experts, now issued with appropriate annotations as document CCW/CONF.I/2.

15. The agenda was adopted.

ADOPTION OF THE RULES OF PROCEDURE

16. The PRESIDENT said that, at its final meeting, the Group of Governmental Experts had approved the draft rules of procedure contained in annex III of its final report (CCW/CONF.I/1). However, on the basis of consultations held the previous day, he would take it that the Conference wished to revise rules 6 and 10 to reflect the agreement to increase the number of

Vice-Presidents from nine to ten and to allow the participation of the Vice-Chairmen of the three Main Committees, the Drafting Committee and the Credentials Committee in the work of the General Committee.

17. It was so decided.

18. The rules of procedure, as amended, were adopted.

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL OF THE CONFERENCE

19. The PRESIDENT said that, at its final meeting, the Group of Governmental Experts had decided to invite the Secretary-General of the United Nations to nominate an official to act as provisional Secretary-General of the Review Conference. By a letter dated 21 February 1995, the Secretary-General of the United Nations had acceded to the Group's further request that Mr. Sohrab Kheradi, Deputy Director of the Centre for Disarmament Affairs and Secretary of the Group of Governmental Experts, should be appointed to that position.

20. Mr. Kheradi was confirmed as Secretary-General of the Review Conference.

ELECTION OF VICE-PRESIDENTS OF THE REVIEW CONFERENCE, CHAIRMEN AND VICE-CHAIRMEN OF THE DRAFTING COMMITTEE, THE CREDENTIALS COMMITTEE AND THE MAIN COMMITTEES

21. The PRESIDENT said that according to rule 6 of the rules of procedure, as amended, the Conference was to elect 10 Vice-Presidents as well as a Chairman and a Vice-Chairman for each of the three Main Committees, the Drafting Committee and the Credentials Committee. Rule 6 further stipulated that such officers should be elected so as to ensure the representative character of the General Committee provided for under rule 10.

22. Turning to the election of the Vice-Presidents of the Conference, he said that the candidates for the 10 posts were as follows: Russian Federation, Slovakia and Ukraine (Group of Eastern and Central European States); India, Mexico and Tunisia (Group of Non-aligned and Other States); Austria, France and the United States of America (Group of Western European and Other States); China. If he heard no objection, he would take it that the Conference wished to elect the Vice-Presidents from the countries listed.

23. Austria, China, France, India, Mexico, Russian Federation, Slovakia, Tunisia, Ukraine and the United States of America were elected Vice-Presidents of the Review Conference.

24. The PRESIDENT said that he had received the following nominations for the office of Chairman of each of the three Main Committees, the Drafting Committee and the Credentials Committee: Mr. Toth (Hungary), Main Committee I; Mr. Morales (Cuba), Main Committee II; Mr. Hoffmann (Germany), Main Committee III; Mr. Moher (Canada), the Drafting Committee; and Mr. Galicki (Poland), the Credentials Committee.

25. *Mr. Toth (Hungary), Mr. Morales (Cuba), Mr. Hoffmann (Germany), Mr. Moher (Canada) and Mr. Galicki (Poland) were elected Chairmen of Main Committee I, Main Committee II, Main Committee III, the Drafting Committee and the Credentials Committee respectively by acclamation*.

26. *The PRESIDENT* said that he had received the following nominations for the office of Vice-Chairman of each of the three Main Committees, the Drafting Committee and the Credentials Committee: Mr. Ramaker (Netherlands), Main Committee I; Mr. Starr (Australia), Main Committee II; Mr. Poptchev (Bulgaria), Main Committee III; Mr. Jabeur (Tunisia), the Drafting Committee; and Baron Alan Guillaume (Belgium), the Credentials Committee.

27. *Mr. Ramaker (Netherlands), Mr. Starr (Australia), Mr. Poptchev (Bulgaria), Mr. Jabeur (Tunisia) and Baron Alan Guillaume (Belgium) were elected Vice-Chairmen of Main Committee I, Main Committee II, Main Committee III, the Drafting Committee and the Credentials Committee respectively by acclamation*.

ADOPTION OF ARRANGEMENTS FOR MEETING THE COSTS OF THE CONFERENCE

28. *The PRESIDENT*, drawing attention to the final report of the Group of Governmental Experts, which at its last session had adopted the cost estimates for the Conference (CCW/CONF.I/GE/22/Rev.1), said that, owing to subsequent developments, those estimates needed to be revised. Additional costs would be incurred for the use of conference facilities at the Austria Center during the period between 25 and 28 September. The actual expenditures would be apportioned among the participants at the time of the final billing, when the total amount had been recorded. In accordance with rule 16 of the rules of procedure, the costs of the Conference would be met by the States parties to the Convention participating in the Conference in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations Membership and the participation of States parties in the Conference. States which were not States parties to the Convention and which accepted the invitation to take part in the Conference would share in the costs to the extent of their respective rates of assessment under the United Nations scale. In a note verbale dated 5 September 1995 from the Secretariat, all States concerned had been duly notified of their assessed share of the estimated costs of the Conference. Those costs had been estimated on the basis of past experience and the expected workload, and their actual amount would be determined after the close of the Conference, when the exact workload would be known. At that time, any adjustment to the contributions from the participants sharing the costs would be made accordingly.

29. If he heard no objection, he would take it that the Conference wished to adopt those arrangements.

30. *It was so decided*.

APPOINTMENT OF THE CREDENTIALS COMMITTEE

31. The PRESIDENT said that, in accordance with rule 4 of the rules of procedure, the Credentials Committee would consist of five members elected by the Conference on the proposal of the President. The Chairman and Vice-Chairman of the Credentials Committee having just been elected, he proposed China, Finland and Pakistan as the three remaining members.

32. China, Finland and Pakistan were elected members of the Credentials Committee.

ORGANIZATION OF WORK INCLUDING THAT OF THE SUBSIDIARY BODIES OF THE CONFERENCE

33. The PRESIDENT said that he believed from his consultations that there was agreement among States parties to proceed with the distribution of work among the three Main Committees in accordance with the proposals contained in paragraph 11 of document CCW/CONF.I/2. Accordingly, Main Committee I would review the scope and operation of the Convention and its annexed Protocols, consider any proposals relating to the Convention, and prepare and consider the final documents; Main Committee II would consider any proposal relating to the Protocols annexed to the Convention; and Main Committee III would consider proposals for additional Protocols to the Convention.

34. If he heard no objection, he would take it that the Conference agreed with the distribution of work just outlined.

35. It was so decided.

36. The PRESIDENT reminded participants that, pursuant to rules 44 and 45 of the rules of procedure, plenary meetings and meetings of the Main Committees would be held in public, unless the body concerned decided otherwise, and, as a general rule, meetings of other committees and working groups would be held in private.

37. Referring to the proposed programme of work (CCW/CONF.I/INF.2/Rev.1), he said that the Conference would devote four plenary meetings to the high-level segment of the general exchange of views. Numerous requests had also been received from non-governmental organizations wishing to make oral statements on questions in which they had special competence. He would therefore propose, pursuant to paragraph 2 of rule 49 of the rules of procedure, that representatives of such organizations be invited to make oral statements, for which one plenary meeting had been set aside. It was also his intention to convene additional plenary meetings if and when appropriate.

38. Regarding the schedule of work of the three Main Committees, it was suggested that they hold meetings beginning on 26 September, i.e. at least in part simultaneously with the plenary meetings. During the remainder of the Conference it would be possible to hold two parallel meetings with full services.

39. If he heard no objection, he would take it that the Conference wished to proceed accordingly, on the understanding that the programme of work might be amended subsequently.

40. _It was so decided_.

41. _Mr. KHERADI_ (Secretary-General of the Conference) said that he had received a memorandum from the Chief of the Translation and Editorial Service, United Nations Office at Vienna, stating that, pursuant to measures introduced by the Secretary-General of the United Nations to conserve funds, additional translators from two language sections would not be released by the United Nations Office at Geneva for assignment to the Conference until clarification had been received from United Nations Headquarters. If the decision was delayed or negative, it would significantly affect the capacity of the Translation and Editorial Service to process the documentation for the Conference.

42. Furthermore, instructions had been received from United Nations Headquarters to the effect that the economy measures introduced with regard to regular budget activities would also apply to activities financed through extrabudgetary funds. Written confirmation that overtime and other costs relating to work outside regular hours would be financed from the Conference budget was therefore requested.

43. He would do everything possible to facilitate the procedures involved so that no undue or unnecessary inconvenience was caused to the Conference.

44. _The PRESIDENT_ said that the matter should be discussed at some point in the General Committee.

The meeting rose at 4.25 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.2
29 September 1995

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Vienna, 25 September - 13 October 1995

SUMMARY RECORD OF THE 2nd MEETING

Held at the Austria Center Vienna,
on Tuesday, 26 September 1995, at 10 a.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

GENERAL EXCHANGE OF VIEWS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of distribution of this document to the Chief, Translation and Editorial Service, room D0710, Vienna International Centre.

Any corrections to the records of this meeting and of other meetings of the Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

The meeting was called to order at 10.25 a.m.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

1. Mr. BOUTROS-GHALI (Secretary-General of the United Nations) addressing the Conference via a video message, said that more than 20,000 human beings were killed or wounded by landmines each year, most of them non-combatants. About 100,000 landmines were cleared each year and between two and five million others laid. At the current clearance rates, the international community would be clearing mines well into the third millennium and, in the meantime, several million people would have been wounded or killed. While the present Conference was going on, some 1,600 people would have fallen victim to landmines. Landmines must be eliminated once and for all! Their use and production must be banned and those stockpiled must be destroyed.

2. To prevent further proliferation, the General Assembly had called for a moratorium on exports, a call that had been heeded by several countries. The Conference should ban the transfer of landmines prohibited under Protocol II to the CCW Convention and the transfer of landmines to non-State entities and to all States not parties to the Convention. Such measures, incorporated into Protocol II, would constitute considerable progress towards a total ban on landmines. Those measures should be enacted by the Conference with a view to the eventual elimination of all landmines.

3. Such a ban on landmines should apply in all circumstances, should protect humanitarian personnel working in mined areas and should be verified through an effective regime enacted multilaterally. As proposed by several States, the United Nations could assume a role in verifying compliance with the Convention and its Protocols, should it be asked to do so by the Conference.

4. But even the adoption of an effective protocol on landmines would not by itself be enough: it must be universally adopted. He therefore reiterated his appeal to States not parties to the Convention to become parties and thanked those States that had already heeded his call.

5. The review process would also cover other weapon systems whose use might be deemed to be excessively injurious or to have indiscriminate effects. Proposals had been advanced to prohibit the production and use of laser weapons primarily designed to cause permanent blindness. He urged the Conference permanently to ban the production and use of such weapons before they became a reality, since their proliferation could have terrible consequences, particularly in the hands of terrorists. No nation alone could prevent the existence of minefields or the deployment of inhumane weapons, but all nations united with a single purpose could make the world more secure for generations to come.

GENERAL EXCHANGE OF VIEWS

6. The PRESIDENT, after expressing his gratitude for the confidence placed in him, said that he was sure the Conference would achieve results that would strengthen the Convention. He welcomed the presence of representatives of some 50 non-governmental organizations, including victims of landmines and others who risked their lives to clear mines or dedicated themselves to the rehabilitation of victims and stimulating public awareness. Their views might not always coincide with those of Governments, but their experience and participation would be valuable. At the same time, no rule concerning the laws of war would be upheld unless it struck a balance between military requirements and humanitarian concerns.

7. A deminer recently returned from Cambodia had asked whether the money spent on the present Conference would not be better spent on clearing mines. How was such a question to be answered? Basically, what was the real relevance of humanitarian law? He was convinced that the idea of limits and restraints in the exercise of force, even in war, was deeply rooted in the human being. It was reflected in every culture and every religion and some rules were very old. Modern humanitarian law was based on the 1868 St. Petersburg Declaration, which distinguished between civilians and combatants, established the principle of proportionality and prohibited weapons causing superfluous injury or unnecessary suffering. The same basic principles remained the core of all subsequent instruments of humanitarian law, including the present Convention, which strove to apply the same rules to specific weapons.

8. Contrary to the opinion of sceptics, there was much evidence that humanitarian law had influenced the conduct of armed conflict by conferring a degree of authority and observance on common human values. Prisoners of war had been spared, hospitals left unharmed and torturers prosecuted. However, the present Convention had two major deficiencies: it was adhered to by only some 50 States and it did not apply to internal conflicts.

9. Anti-personnel landmines struck blindly and went on killing long after hostilities were over, even during the subsequent process of peace-building and development. Some people argued that anti-personnel landmines were inherently indiscriminate weapons and should be banned, while others held that when properly and responsibly used, they were necessary and legitimate weapons of self-defence. The fact remained that in recent conflicts anti-personnel landmines always seemed to have been abused.

10. The Conference had before it a set of proposals aimed at strengthening the rules on the use of landmines, in particular anti-personnel landmines. It was expected to adopt rules that would contribute to the General Assembly's goal of eventually banning anti-personnel landmines. It also had before it a proposal to prohibit blinding weapons. The adoption of such a ban would be in keeping with the intentions of the original drafters of 1980, who had drafted a Convention structured so that new protocols could be attached to it to keep pace with military technology. In discussing a fourth protocol, the

Conference would be fulfilling an obligation under article 36 of Additional Protocol I, to the 1949 Geneva Conventions, to test the legality under international law of new weapons, means or methods of warfare.

11. The Conference had much work to do in developing international law applicable to armed conflict and, after the adoption of new texts, it would be necessary for everyone to strive to persuade States to adhere to them and thus make them truly universal.

12. MR. DE YTURRIAGA (Spain), speaking on behalf of the European Union, said that his statement was endorsed by the following countries associated with the Union: Bulgaria, Cyprus, the Czech Republic, Hungary, Lithuania, Malta, Poland, Romania and Slovakia.

13. The European Union was particularly sensitive to the human tragedy caused by the indiscriminate use of certain weapons, and especially the hundred million or so landmines existing in over 60 countries. The consequences of the indiscriminate use of anti-personnel landmines, especially in internal conflicts, were appalling and urgent action was required.

14. It was a member State of the European Union, France, that had started the review process in 1993. Also in 1993 the European Union had introduced in the United Nations General Assembly a resolution on assistance in mine clearance which had led to the establishment of the United Nations Voluntary Trust Fund for Assistance in Mine Clearance in November 1994. The European Union had supported the United Nations appeal for the establishment of national moratoriums on exports of anti-personnel landmines (General Assembly resolutions 48/75 K and 49/75 D), their eventual elimination being the ultimate goal as viable and humane alternatives were developed; it had also supported the setting up of the Group of Governmental Experts to prepare the present Review Conference.

15. The members of the European Union had participated actively in the work of the Group of Governmental Experts. The Union had also adopted a common policy on anti-personnel mines, including a common moratorium on the export of such mines and a decision to contribute both technically and financially to international efforts directed towards mine clearance.

16. The European Union considered the main objective of the present Review Conference to be to foster the universality of the Convention and to strengthen its Protocol II. The European Union had exchanged views with a number of countries in preparing for the Conference and had reached the view that efforts should be focused on strengthening Protocol II, concentrating on four specific objectives that addressed the most important aspects of the landmines problem. The first objective should be to extend the scope of application to non-international armed conflicts because it was precisely in such conflicts, the most common kind at present, that the indiscriminate use of anti-personnel mines occurred most frequently and had the most devastating effects on innocent civilians. The second objective should be substantially to strengthen restrictions or prohibitions concerning anti-personnel mines and

their export. Third was the need for an effective verification mechanism. New rules would not be effective without a system to guarantee their implementation. The European Union supported the creation of a verification commission which would ensure that alleged violations of Protocol II were investigated thoroughly. Without efficient verification, Protocol II would not be credible and effective. Fourthly, there should be provisions concerning technical assistance for mine clearance. Lastly, the European Union hoped that an additional protocol on blinding lasers would be adopted in response to the humanitarian concern to avoid unnecessary suffering while not limiting the legitimate military use of laser weapons. The Council of the European Union had on 18 September adopted a common position on blinding lasers with the aim of strengthening such an initiative in the Conference.

17. Recent conflicts, the proliferation of anti-personnel mines and their indiscriminate and irresponsible use had brought about a humanitarian catastrophe of global magnitude. Nations must accept their responsibility and set aside their differences to agree on a new text in keeping with public expectations.

18. Speaking as the representative of Spain he asked for clarification regarding the rules of procedure of the Conference, particularly in regard to the adoption of decisions. Rule 34 stated that the Conference would conduct its work and take decisions "in accordance with Article 8 of the Convention". That article dealt basically with two ideas, the amendment of the Convention and its Protocols and the adoption of additional protocols. Under paragraph 1 (b), amendments would be adopted and enter into force in the same manner as the Convention and its annexed Protocols. But the Convention did not contain provisions on adoption, and it would be necessary to return to the rules of procedure of the 1980 Conference on Prohibition or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects. Regarding the adoption of new protocols, paragraph 3 (b) laid down that all States represented at the Conference could participate fully in its deliberations and that additional protocols would be adopted in the same manner as the Convention. He would be most grateful if the Secretary-General of the Conference would indicate clearly how decisions were to be adopted, both in regard to amendments to the Convention and its Protocol II and to a new protocol. He also asked for an updated list of States parties, contracting States that were not yet parties and signatory States.

19. Lastly, he asked the Secretary-General of the Conference, in connection with his statement at the previous meeting concerning the implications of the United Nations financial crisis on the Conference and on the translation of documents, what exactly the practical consequences would be for documents in Spanish?

20. Mr. KOLBY (Norway) said that the present Conference would seek to find an adequate legislative response to the serious humanitarian problems caused by the use of landmines, since the present Protocol on the subject had serious

shortcomings that must be addressed. Anti-personnel landmines were insidious weapons that continued to spread terror for years or even decades after the end of hostilities. Norway had much first-hand experience from its United Nations peace-keeping operations and mine clearance missions of the consequences of the widespread and irresponsible use of landmines. Concerted international action was urgently needed.

21. In the view of Norway, the most effective approach would be total prohibition and elimination. The Conference should work towards a total ban on the production and stockpiling of anti-personnel landmines, on trade in them and on their use. Should a total ban prove impossible, he proposed the adoption of an action plan in eight steps. The first step must be to convince States to adhere to the Convention. No strengthening of Protocol II would be effective without universal adherence. Unfortunately, several mine-stricken countries remained outside the Convention. The second step would be to extend the scope of application to include internal conflicts, which inflicted the most severe and protracted suffering on the civilian population. A convention not applicable to such conflicts would be of limited value. Thirdly, the Conference should ban the use of non-detectable anti-personnel mines and mines not equipped with self-destructing mechanisms. A specific time-limit in days should be fixed for the active life of a mine. Non-detectable landmines without a self-destructing or self-neutralizing capability remained very dangerous to civilians and prevented the recovery of war-torn societies long after the fighting had ended. The fourth step would be to put an end to boobytraps specifically designed to kill, maim or mutilate. Such shockingly immoral weapons must be banned.

22. Fifthly, Protocol II did not regulate the production, stockpiling, transfer or export of anti-personnel landmines. A new provision was needed that would ban the production and stockpiling of types of landmines whose use was prohibited by the Convention and prohibit the transfer or export of any mines to non-State entities, States that were not bound by the Convention and State parties acting in contravention of the Protocol. His Government believed that legal measures in the form of treaty obligations would be preferable to politically-decided export control regimes.

23. Sixthly, it was of vital importance to develop the most efficient verification mechanism possible to monitor the extent to which the parties complied with the provisions of the Convention. The Secretary-General of the United Nations should be granted the authority to initiate investigations and the right to record evidence in cases of a suspected breach of the provisions of the Convention. It should be possible to implement investigations immediately upon submission of a request from even a minority of the States.

24. Seventhly, a structure for a comprehensive and effective review process should be established to permit a sharper focus on the specific issues of treaty obligations and implementation. Periodic intervals of review would provide better tools with which to shape a safer world.

25. Eighthly, a strengthened CCW Convention was a necessary instrument in the efforts to resolve the whole complex of problems associated with the indiscriminate and irresponsible use of anti-personnel landmines. It was, however, not sufficient in itself. Additional instruments that would complement the rules and restrictions on the use of landmines in the Convention were also necessary. One such instrument could be an international register, under the authority of the Secretary-General of the United Nations, of producers of anti-personnel mines and boobytraps of types whose use and manufacture was prohibited by the 1980 CCW Convention. The register could serve as a transparency measure complementing any verification measures prescribed by the 1980 Convention and might be used as an integral part of a policy designed to prevent or deter States from using anti-personnel mines of types prohibited by the Convention.

26. Norway would welcome additional protocols to the Convention, such as a new protocol on blinding weapons. There should be a prohibition on the use of laser weapons when employed as anti-personnel weapons designed to cause permanent blindness or serious damage to eyesight.

27. Mr. ELIASSON (Sweden) said that modern war, in which an ever increasing proportion of the victims were civilians, particularly women and children, challenged most long-standing principles of humanitarian law. The current indiscriminate use of anti-personnel mines sadly and vividly exemplified the unacceptable brutalization of warfare. Beyond the individual tragedy of every crippled child, the unusable mine-infested fields, forests and roads prevented poor nations from returning to normalcy and development long after hostilities had formally come to an end. Concerted and coordinated action from the international community was required.

28. The problem was a short-term and critical one, but also a huge long-term task. To deal with it, a legal strategy must be developed and a plan of action for training, appropriate technology, resettlement of refugees, rehabilitation and normalization of economic life.

29. An international ban on anti-personnel mines was the most viable and lasting solution available and would give the deminers a fair chance finally to catch up with the mine-layers. Sweden was aware of the importance attached to such mines in the defence forces of many States, including its own, but was convinced that the military utility of anti-personnel mines was offset by the short, medium and long-term indiscriminate destruction caused by such weapons. The humanitarian price was simply too high to pay. While an international ban would not immediately ensure that anti-personnel mines disappeared, it would stigmatize them in the eyes of public opinion and policy makers. It would strangle trade, production and, eventually, the use of such mines. Sweden had introduced a proposal for an international ban on anti-personnel mines in the Group of Governmental Experts and was encouraged by the interest and support the proposal had met from a growing number of States, from humanitarian and other organizations and from prominent individuals. In anticipation of a ban, the Review Conference should strengthen and develop the provisions of the CCW Convention, in particular Protocol II.

30. The Review Conference should fulfil five requirements. First, it should immediately ban any transfer of landmines except to States parties to the Protocol. Sweden had not exported anti-personnel mines for the last 15 years. From the outset it had supported calls by the United Nations General Assembly for a global moratorium on the export of such mines and the European Union initiative for a common moratorium. Such moratoria should pave the way for a permanent ban on all trade in anti-personnel mines.

31. Secondly, adherence must be broadened. It was a fundamental weakness that Protocol II had entered into force for only 49 States. The geographic imbalance among the States parties added to that weakness. The most heavily mine-stricken countries were not among the parties. However, the fact that a number of States had adhered to the Convention and its Protocols during preparations for the Conference and that others were following suit lent additional weight to the argument that the best way to secure better adherence was to strengthen existing provisions and ensure systematic follow-up.

32. Thirdly, the scope must be extended to all situations. The vast majority of mine victims had suffered as a result of internal conflicts. To exempt those situations would render the Conference's work insignificant, especially since civil wars continued to rise in number and complexity.

33. Fourthly, all anti-personnel mines must be detectable. Next to an effective ban on anti-personnel mines, no measure was more important than to make all such weapons detectable. Improved detectability would greatly facilitate mine clearance. For the same reason, anti-handling devices for anti-personnel mines should be banned.

34. Fifthly, there should be verification and follow-up. Sweden supported the view that transparency and verification arrangements were essential to strengthen confidence in the Protocol. Grave breaches of Protocol II should be treated and dealt with as war crimes.

35. A broad agreement on verification should be possible on the basis of existing proposals. It would give the Protocol an important dynamic element and the States parties a forum to consider its implementation. It would also provide a means of addressing the future development of mines and demining technology, facilitate further review conferences and help maintain the political momentum to broaden adherence to the Protocol.

36. Humanitarian legal instruments must keep in step with technology. Ideally they should already be preventing the development and production of particularly insidious weapons and methods of warfare.

37. The intention of the drafters of the CCW Convention, in constructing a framework convention with annexed protocols, had been to create an instrument to which new protocols could be added.

38. Sweden had long been working for an explicit prohibition, in a new protocol, on blinding weapons and on blinding as a method of warfare. Such a method violated fundamental principles of humanitarian law.

39. Finally, he expressed appreciation for the interest and support given to Swedish proposals to update existing rules on naval mines.

40. Mr. EMMANUELLI (France) associated his delegation with the statement made on behalf of the European Union. France had taken the initiative in calling for a review of the 1980 Convention. Two years previously France had been almost alone in its endeavours; fortunately the situation had changed since that time. Furthermore, with regard to the export of anti-personnel mines, France had been one of the first countries to declare a complete moratorium. The unilateral decision covered all types of anti-personnel mines going to all parts of the world. Several countries had followed France's example.

41. Nevertheless, each year several thousand anti-personnel mines were emplaced on the territory of tens of countries and stockpiles were being built up in an even larger number of States. France therefore considered that the moment had come to take the next step, and had decided to adopt a moratorium on the production of all types of anti-personnel mines. It was also undertaking, with immediate effect, to reduce its stockpiles of anti-personnel mines by destruction. He hoped that many countries would follow suit.

42. The development of anti-personnel mines was an urgent humanitarian issue, and France hoped that the convening of the Review Conference would lead to substantial revision of the provisions of Protocol II. The alarming number of victims, their testimonies, those of doctors, action taken by the International Committee of the Red Cross and non-governmental organizations had helped to convince a growing number of countries that strengthening Protocol II was a priority.

43. France had set itself an ambitious target: to obtain the broadest possible adherence to a more effective set of regulations. The indiscriminate use of anti-personnel mines should be stopped and demining operations facilitated so that as many States as possible would accede to a convention which all would then abide by.

44. France considered that a number of principles were essential. Firstly, given the specific nature of the weapons covered by Protocol II, it was imperative that rules governing their use be applied in all circumstances. France therefore wished to see a broadening of the scope of the Protocol to cover non-international armed conflicts. That was essential to facilitate demining operations, one of the key factors in strengthening Protocol II.

45. Secondly, an agreement on more stringent rules would be credible only if their application was subject to control. Provisions on the verification of alleged breaches which, if proved, would constitute a violation of the commitments undertaken should figure prominently in Protocol II. Experience had shown beyond any doubt that provisions of that kind were necessary.

46. Thirdly, the Conference should reach as comprehensive an agreement as possible on regulating anti-personnel mines, and his country hoped that transfers would also be regulated in Protocol II. In that way, the fight against the proliferation of anti-personnel mines would receive new stimulus.

47. The Conference should also address the question of deliberate blinding as a method of warfare. He paid tribute to action taken by non-governmental organizations such as the International Committee of the Red Cross to combat deliberate blinding. His country would take a very active part in the negotiations on an initial set of regulations governing the use of laser beams to cause permanent blindness. He hoped that an additional and genuinely applicable protocol would be adopted at the Conference.

48. Mr. SCHÄFER (Germany) said that the alarming figures quoted in connection with the worldwide landmine problem showed that it was high time to act. Stepping up mine clearance efforts was not enough. There should be effective prevention of the indiscriminate use of landmines.

49. He expressed Germany's full support for the priorities outlined by the representative of the European Union and stressed that Germany neither produced nor exported anti-personnel mines and was reducing existing stockpiles. Germany believed that the scope of Protocol II should be extended to times of peace and to non-international armed conflicts. The use of anti-personnel mines which did not self-destruct should be restricted, and remotely-delivered mines without a self-destructing mechanism and mines that were not detectable should be banned. The worldwide proliferation of landmines should be stopped by severely restricting their export. Humanitarian and United Nations missions needed better protection from the effects of landmines. Provisions for mine clearance had to be strengthened and a verification mechanism put in place to ensure that the provisions of Protocol II were observed and implemented.

50. While the review of Protocol II was the top priority of the Conference, other conventional weapons which were excessively injurious or might have indiscriminate effects should not be ignored. Germany was strongly in favour of an additional protocol to prohibit the deliberate use of laser beams against the eyesight of persons on the battlefield and ban the use and production of laser weapons primarily designed to blind.

51. Mrs. KUROKOCHI (Japan) said that in the course of recent conflicts more than 100 million landmines had been laid in more than 60 countries, and that between 2 and 5 million new mines were laid every year. Every month, more than 800 people, including innocent children, were killed by landmines, and thousands more were maimed - a tragedy that must not be allowed to continue.

Furthermore, economic and social reconstruction was seriously impeded in areas where landmines had been laid, owing to the high cost of mine clearance in terms of manpower and resources. Japan had been involved in activities aimed at solving the landmine problem, particularly in three areas: strengthening of mine clearance activities by the international community and promoting the development of technologies to facilitate mine detection and clearance; assistance in the treatment and rehabilitation of victims of anti-personnel mines; and strengthening of international restrictions on landmines.

52. Japan was contributing substantial sums to United Nations mine-clearing activities and, with regard to the rehabilitation of mine victims, had built a plant in Cambodia to manufacture artificial limbs and other materials as a contribution to the cooperative effort to reconstruct that nation. Regarding the strengthening of international restrictions on landmines, her delegation welcomed the resolutions adopted by the General Assembly calling for a moratorium on the export of anti-personnel landmines. International efforts to comply with that moratorium were continuing. In accordance with its policy guidelines known as the Three Principles on Arms Exports, Japan did not export landmines. The fact that a number of countries had introduced a moratorium on exports of anti-personnel landmines was to be welcomed; and her delegation urged all States to introduce such a moratorium, as one important way of addressing that issue.

53. The Convention had played a very important role as the international instrument directly relevant to landmines. It should, however, be strengthened in order to deal more effectively with the current problems concerning landmines. Japan had been participating actively in the process of reviewing the initial Convention; and her delegation now wished to clarify the basic position of the Government of Japan on several important issues.

54. First, only about 50 States were currently parties to the Convention, and most of the States experiencing problems caused by landmines were not yet signatories. In order to address the problem of landmines effectively, it was imperative not only to strengthen the Convention itself, but also to secure wider accession. At the conclusion of the Review Conference, the parties should send a strong message to the rest of the world, encouraging States not parties to accede to the Convention.

55. Secondly, Japan supported the application of Protocol II to internal armed conflicts, since it was in those conflicts that most mines were used. However, given that the application of Protocol II to such conflicts would require Governments of States parties to comply with its provisions, Japan considered that States parties should not be obliged to secure compliance by dissident armed groups that were not parties to the Protocol.

56. Thirdly, Japan supported the incorporation of self-destructing mechanisms in all anti-personnel landmines used outside marked and monitored fields, and in all remotely delivered anti-personnel landmines, regardless of where they were used. Such mines should also contain sufficient amounts of metal to enable them to be detected by those engaged in clearing them.

However, with regard to the requirement that all existing landmines owned by a State party should contain self-destructing mechanisms, her delegation considered that, for technical and financial reasons, a transitional period should be permitted so as to enable States parties to comply with that requirement.

57. On the question of restrictions on the manufacturing, stockpiling and transfer of anti-personnel mines, it was important to guarantee that landmines were not transferred to States not parties to the Convention, and Japan supported the introduction of provisions restricting the transfer of landmines. On the other hand, given the need to secure wider participation in the Convention, a more flexible regime should be introduced regarding the manufacturing and stockpiling of anti-personnel landmines.

58. With regard to verification, Japan supported the introduction of an on-the-spot fact-finding mechanism. In order to ensure effective and efficient implementation, both cost and performance must be fully considered, and such fact-finding should be limited to those areas where clear violations were suspected. Furthermore, the Protocol should contain provisions limiting the responsibility of the State party in circumstances where fact-finding activities were to take place in areas of its territory over which it had no control.

59. Finally, the Government of Japan supported prohibitions on the use of blinding laser weapons. At the same time, it considered that the use of laser beams for other purposes such as guidance and measurement should not be restricted as a result of the introduction of such provisions.

60. Mr. de ICAZA (Mexico) said that in the 50 years since the San Francisco Conference, the world had not experienced a moment's peace, in spite of the aspirations set forth in the Charter of the United Nations. The task of reaffirming and developing international standards applicable to armed conflicts was thus a necessary and realistic one, in no way incompatible with efforts to achieve full compliance with the principle of peaceful settlement of disputes and general and complete disarmament under effective international control; for an attempt to regulate war should not be seen as an attempt to humanize barbarism; rather, it was an effort to ensure a minimum of respect for human rights, even in circumstances of generalized violence.

61. Mexico was a country with a deep-rooted tradition of pacifism and humanitarian concerns. Even earlier than the international community, it had proscribed recourse to force in external policy, a principle set forth in its Constitution. Yet, in spite of its long struggle to secure international peace and security, Mexico was aware that, even in the present enlightened times, the temptation to have recourse to violence persisted, and that more means of unleashing it existed than ever before. It had thus played a leading part in efforts to reaffirm and develop international humanitarian law.

62. The inclusion of a follow-up mechanism in the CCW Convention was to be welcomed. The present Conference provided a valuable opportunity to fill gaps, refine concepts and eliminate the many loopholes contained in the Convention and its Protocols, whose texts reflected an ideological and strategic conflict that was now happily a thing of the past. The new climate of détente was undoubtedly propitious for the Conference, as could be seen from the contributions made at the preparatory meetings by those countries that had formerly been reluctant to prohibit or limit the use of specific weapons, as well as from the work of non-governmental organizations, whose contribution, in alerting public opinion and Governments to the dangers of such weapons, had been crucial to convening the Conference.

63. The 1980 Convention had undoubtedly been a step in the right direction, whose most important achievement had been the recognition that some weapons were intrinsically injurious and had indiscriminate effects. However, the Convention had failed to define and regulate the concept of excessive damage or to ban weapons with indiscriminate or inhumane effects, confining itself to restrictions on their use set forth in the Protocols which, furthermore, were incomplete, impractical and difficult to apply.

64. Mexico also regretted the Convention's failure to adapt the traditional distinction between international and internal conflicts to current realities. Legal concepts had slowly evolved and in 1977 international conflicts had been extended to include struggles of peoples for independence and against foreign domination. The time had now come to acknowledge that almost all contemporary conflicts involved, directly or indirectly, overtly or covertly, more than one party to the 1949 Geneva Conventions, and that fact was sufficient to justify regarding the conflict as international in character, and thus as one to which all the relevant norms were applicable. Nor would it be logical to extend the scope of application of one Protocol and not of others.

65. The Convention lacked provisions concerning transfer and verification. At least with regard to verification, the mechanism to be adopted should not be confined to a single Protocol. The modalities of the mechanism would have largely to be determined by the scope of application agreed upon. In both cases, special care would have to be taken not to open the door to interference or intervention of the sort prohibited by international law.

66. The outcome of the first Review Conference must not be a retreat from the achievements of the 1980 Conference. The Conference must persevere in the search for agreements making it possible to condemn and prohibit those conventional weapons unacceptable to the public conscience.

67. During the preparatory work for the Conference a number of proposals had been made for strengthening certain provisions of the Convention and amending the rules set forth in its Protocol II. A draft Protocol IV, concerning blinding laser weapons, had also been submitted. Mexico welcomed all those initiatives, which sought to secure the adoption of rules to alleviate the sufferings of civilians. Mexico's fundamental position had been, and continued to be, that the ultimate solution was a total ban on the use,

development, manufacture, stockpiling and transfer of mines. Any prohibition or restriction without that scope would not solve the problem of mines - weapons indiscriminate in their effects that must be banned once and for all. If their manufacture, stockpiling, deployment and use were to be prohibited, it was logical also to prohibit their transfer. Mexico had strongly supported the various General Assembly resolutions calling upon States to adopt a moratorium on the export and transfer of anti-personnel mines. If it was to be effective, the prohibition on transfer must be total, and must establish that responsibility for the use of a weapon also lay with the party transferring it. The Mexican armed forces neither used nor produced anti-personnel mines, and did not grant concessions to private enterprises for the production of that type of weapon.

68. Clearance of existing minefields was a task of great importance, permitting the consolidation of peace following a conflict. In that task, countries producing and exporting mines had a special responsibility to make a technical and financial contribution to the developing countries' task of clearing mines.

69. It was regrettable that, except in the case of laser weapons, no proposal had been submitted concerning prohibitions on the use of small-calibre weapons, cluster bombs, fléchettes or fuel-air explosives. With other delegations, his delegation would consider the desirability of submitting proposals in that regard, in the belief that public opinion must be alerted to the effects of those weapons.

70. Mexico wished to interpret the fact that the current Conference resulted from the initiative of a military Power as a sign that times had changed since 1974. Faced with an opportunity to review the scope and application of the Convention and its Protocols since their entry into force, the Conference must try to secure general and verifiable agreement on prohibition of the development, manufacture, stockpiling, deployment and use of certain conventional weapons deemed to be excessively injurious, and on their destruction. Mere restrictions on their use were insufficient.

71. Mr. NIELSON (Denmark) said that the preparation of the Conference and public debate had rightly focused on the grave humanitarian problems caused by the uncontrolled use of landmines, in particular anti-personnel landmines. Mines did not discriminate: they brought disaster to civilians and soldiers alike. Every day children and adult civilians throughout the world, but in particular in the developing countries, were killed and maimed by those weapons. It was no exaggeration to speak of a global crisis. Mines were not silenced by peace agreements: very few were removed at the end of hostilities. In fact, more than 20 times as many mines were being laid than were being removed. Mines were left to perpetuate their devastating effect, and would continue to terrorize future generations if decisive action was not taken now.

72. The only effective approach to the problem involved a total ban on anti-personnel mines, leading to their elimination everywhere, together with a vigorous effort by the international community to clear the millions of mines already laid. General Assembly resolution 49/75 D, which had been adopted by consensus and of which Denmark had been a sponsor, had recognized that the eventual elimination of anti-personnel mines was the ultimate goal of the international community. His delegation would support proposals leading to a total prohibition of those weapons. Pending achievement of that goal, it was of paramount importance to achieve concrete humanitarian progress to further the protection of those civilians unfortunate enough to find themselves in zones where mines were used. First, a determined effort must be made to convince States not yet parties to the Convention to adhere to it. It was highly regrettable that the Convention did not apply in most of the mine-infested areas. The Convention should be truly global. His delegation hoped and expected that once the Conference had adopted an improved regime for protection against particularly inhumane weapons, it would make a resolute effort to ensure wider participation in the new set of rules.

73. The most extreme abuse of landmines took place in the context of internal conflicts. It was tragic that Protocol II did not apply to those conflicts. In his delegation's view, it was one of the highest priorities of the Conference to rectify that weakness. It would, however, be a serious mistake if the wish to extend the scope of application of the Convention in those two dimensions should lead to a lowering of ambitions to strengthen the safeguards against abuse of particularly inhumane weapons. His delegation was prepared to support all proposals that would enhance protection against the abuse or irresponsible use of such weapons. In particular, he singled out seven priority areas: restrictions on the application of non-self-destructing anti-personnel landmines; prohibition of the use of landmines that were not readily detectable; an effective international verification and compliance mechanism; restrictions on the transfer of anti-personnel mines; enhanced protection of United Nations personnel and personnel from humanitarian organizations, including the International Committee of the Red Cross (ICRC); a new protocol prohibiting blinding laser weapons; and a regular review process for the Convention. His Government hoped that the Conference would be able to act decisively and to agree on new and stricter provisions in the Convention leading to a much-needed effective protection of civilian populations.

74. The Conference must also focus on the immediate humanitarian crisis caused by the more than 100 million landmines scattered around the world. The removal of existing landmines was an enormous task. Major efforts in that area were already being undertaken by a number of international organizations. However, without increased donor contributions for mine clearance, the task would be insurmountable. The recent International Meeting on Mine Clearance had been an important first step; but much more needed to be done. As for the treatment of victims of landmines, a true commitment by the international community was needed, as a signal of solidarity with those countries that had already suffered immensely. His Government hoped that more countries would play an active role in solving that huge humanitarian problem. Nations that

produced landmines had a special moral responsibility to contribute to international mine clearance efforts. Denmark stood ready to play its part in the common responsibility to clear the minefields, and had already contributed substantial sums to the relevant United Nations Voluntary Trust Fund and to specific mine clearance programmes.

75. Ms. FERRERO-WALDNER (Austria) said that the adoption of the CCW Convention 15 years previously had been seen at the time as a major humanitarian breakthrough. Since then, it had become apparent that much remained to be done. The Convention did not apply to internal armed conflicts, it established no clear responsibilities for the removal of mines, it did not prohibit non-detectable and long-living anti-personnel mines, and it did not provide a verification regime. Only some 50 States had become parties to the Convention. At the same time, world public opinion was becoming increasingly alarmed by the following facts: that more than 100 million anti-personnel mines existed, half of them laid since the adoption of the Convention; that 150,000 people had been killed by anti-personnel mines, and twice as many injured; and that removal of all existing landmines would cost more than $30 billion and would require not years, but decades.

76. Urgent and vigorous action must be taken. Governments must improve the Convention and its Protocols, provide the instrument with an effective verification mechanism, promote universal acceptance of the Convention and provide substantial assistance for national and international mine clearance.

77. Austria was ready to cooperate fully in such efforts. It hoped that the Conference would come as close as possible to the ultimate goal, endorsed by the United Nations General Assembly, the European Union and the Austrian Parliament, of the total elimination of anti-personnel landmines.

78. Austria had renounced the use of anti-personnel landmines by the armed forces and destroyed its existing stocks of those weapons. It supported the inclusion in Protocol II of prohibitions or restrictions on the transfer, production and stockpiling of anti-personnel landmines, the proposal to hold more frequent and periodic reviews and the proposal to adopt a protocol on blinding laser weapons, for which it had prepared a draft.

79. The past few months had seen a great surge in public opinion in favour of restricting the use of anti-personnel landmines and laser weapons. Tens of thousands of signatures had been presented to the Austrian Government calling for appropriate action to be taken. Similar developments were taking place in other countries and she believed that the Conference should make use of the active support it was being given by public opinion to mobilize politicians and Governments to take steps to protect innocent civilians from future sufferings and possibly also to prevent new types of excessively injurious weapons from being developed.

80. Mr. SOMMARUGA (Observer for the International Committee of the Red Cross (ICRC)) began by quoting the testimony given by a 65-year-old Cambodian, You Eng, describing how he and his grandson had each lost a leg after a landmine had exploded, how his elder son and daughter-in-law had been killed by mines and how ashamed he felt to be unable to feed his family any longer.

81. A photograph of You Eng and his grandson was projected while the testimony was being read.

82. The speaker went on to stress that the Conference had an obligation to put an end to the slow mass destruction caused by anti-personnel mines and to prevent other horrors from occurring by prohibiting the use of blinding laser weapons.

83. As had been acknowledged at the International Meeting on Mine Clearance, the production, transfer and use of anti-personnel mines was out of control. When those weapons were available in modern conflicts, they were used indiscriminately, with appalling results. They had caused a global epidemic of staggering proportions and torn apart the social and economic fabric of dozens of countries. One did not need to attribute responsibility in that area. Mines had been produced and sold by some 50 States from both the North and the South. They had been used indiscriminately in many more.

84. The present Conference provided the ideal moment for States to face their responsibilities and take measures which they knew would give results as rapidly as possible. There might not be another opportunity to study the landmine issue for many years. The consequences of inaction would be tragic.

85. The ICRC was convinced that a dramatic reduction in the number of landmine victims could only be brought about through the adoption and implementation of a comprehensive set of measures which should include: the total prohibition of the production, stockpiling, transfer and use of anti-personnel mines; the extension of the CCW Convention to cover non-international armed conflicts; a requirement that anti-vehicle mines should be detectable and should not contain anti-handling devices; and the establishment of an effective system to monitor compliance and punish violations.

86. The ICRC had studied the proposals aimed at alleviating the landmine problem through the increased use of self-destructing mines and the introduction of new requirements for detectability. While such measures might lead to some improvement, the ICRC was deeply concerned that their result might be a global increase in the use and transfer of mines, particularly if the users believed that such weapons were less threatening to civilians or compensated for their short lifespan by using greater numbers of them. Nor was it convinced that an acceptable maximum failure rate could be achieved, that the reliability of self-destructing mechanisms would be internationally verified or that States and insurgents in potential conflict areas were

prepared to pay for the higher cost of such weapons. In addition, the "grace period" for transition to such a regime was likely to last for decades and during that time civilians would continue to suffer.

87. Would the partial measures being considered by many States be implemented rapidly and effectively, and would they lead to a significant reduction in the number of civilian landmine victims? If not, he appealed to the countries represented to join the growing number of States, the Organization of African Unity, the European Parliament, the United Nations Secretary-General, scores of humanitarian agencies and many hundreds of non-governmental organizations in calling for a total ban on anti-personnel mines. That solution could be implemented more rapidly and monitored more easily than complex alternatives. The horrific consequences of anti-personnel mines exceeded by far the limited military advantage that might be expected of them.

88. It would take some time for whatever measures were adopted to be felt on the ground, and the Convention must therefore take into account the immediate needs of landmine victims. The ICRC had therefore called for article 8 to be amended and, when access to victims was blocked, for provision to be made for each of the parties to the conflict to ensure access to them by clearing a path through minefields or by indicating a safe alternative access route. That provision would constitute the minimum required to ensure the access which States had undertaken to provide in the Geneva Conventions and their Additional Protocols. Similar protection was required for other humanitarian organizations.

89. The Conference also provided a unique opportunity to prohibit a new and abhorrent method of warfare - the use of blinding laser weapons. As was widely recognized, laser weapons capable of blinding large numbers of soldiers or civilians from a great distance were about to be manufactured and exported on a large scale. Once produced in large numbers, such small arms would cost no more than an ordinary rifle and would be disseminated rapidly not only to national armies but also to terrorists and criminals. Whatever their producers' intentions might be, like landmines, once they were available in large numbers, laser weapons would be used indiscriminately.

90. The ICRC urged the Conference to adopt a fourth protocol to the Convention for the purpose of prohibiting the use of laser weapons to blind individuals as a method of warfare. It also called on States to refrain from producing weapons which could be used for that purpose and to take vigorous steps to prevent them from being proliferated. The problem must be dealt with now.

91. Sustained efforts and concerted diplomatic action would be required for many years to come to guarantee that the provisions of the 1980 Convention and the decisions of the current Conference remained relevant and effective. A decision providing for regular review of the Convention would therefore constitute one of the lasting contributions which the Conference could make to the development of international humanitarian law.

92. The landmine issue was only one aspect of a phenomenon of increasing concern to the ICRC, namely the virtually unrestricted transfer of vast quantities of weapons, particularly small arms, throughout the world and the fact that they were constantly used in flagrant violation of the basic rules of international humanitarian law. The ICRC intended to make a careful study of the relationship between the availability of arms and violations of humanitarian law, and also to engage in a dialogue on those matters within the Red Cross and Red Crescent movement.

93. The international community was not powerless in the face of the development of odious technologies. Encouraged by the ICRC, States had in 1925 largely succeeded in halting the use of poison gas in warfare. In 1972 and 1993, biological and chemical weapons had been banned for ever. Public horror at the effects of nuclear weapons and fear that they might be used had been instrumental in preventing their use and holding back their proliferation. The public would undoubtedly support measures to ban anti-personnel landmines, eliminate the terrible threat of the use of blinding laser weapons and reinforce a Convention which sought to maintain a modicum of humanity, even in times of war.

94. During the past ten years, ICRC medical staff had treated over 28,000 victims of mines and fitted some 80,000 artificial limbs on the survivors. It was unacceptable that, in ten years' time, ICRC doctors might be called upon to look into the eyes of new victims of landmines and blinding lasers knowing that something could have been done to stop their use.

95. Mr. SCAMMACCA DEL MURGO E DELL'AGNONE (Italy) said that his Government and people were very sensitive to the problem under consideration and were following the proceedings of the Conference with great interest.

96. The representative of Spain had already described the European Union's commitment to combat the indiscriminate use and uncontrolled dissemination of anti-personnel landmines and to encourage international efforts in mine clearance. The Union attached such importance to the question of anti-personnel landmines that its Ministers had decided to use the most advanced instrument of their common foreign and security policy: Joint Action. It had also made a significant contribution to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

97. Italy placed great hopes in the Review Conference. During recent years it had increased its efforts to alleviate the injuries caused to civilians by the indiscriminate use of anti-personnel landmines. The serious humanitarian problems raised by the use of such weapons needed to be dealt with as a matter of urgency. The international community must act on several levels simultaneously: humanitarian engagement, international assistance and disarmament and arms control measures.

98. Italy had ceased granting export licences for anti-personnel landmines in November 1993. In September 1994 it had announced a national moratorium on the export, sale or any other transfer of anti-personnel mines and on

20 January 1995 it had ratified the CCW Convention. Italy had pledged a contribution of approximately $625,000 to the United Nations Voluntary Trust Fund at the International Meeting on Mine Clearance, and announced other contributions to Mozambique, Angola and Afghanistan for training in mine clearance, mine-awareness activities and the rehabilitation of victims. It also provided financial support for the ICRC programmes in that field.

99. It was his country's strong hope that the Convention would become an effective tool of international law following the Review Conference. It would like to see the Convention's prohibitions and restrictions strengthened. It believed that efforts should be made to encourage more countries to ratify the Convention and particularly Protocol II. New international legislation would be of little value if the majority of States, particularly those mainly concerned, were not parties to it. It would also be discouraging if internal conflicts were excluded from the scope of the provisions agreed upon.

100. Verification was now a fundamental component of all arms control agreements and a compliance mechanism was essential for the application of the CCW Convention. Stricter prohibitions should be accompanied by corresponding controls that would increase the confidence of States parties. Provisions for fact-finding missions to be sent to the sites of alleged incidents would not necessarily be applied in every case, but they were meant to have a deterrent effect and to foster confidence about compliance. Italy supported the adoption of an additional protocol on blinding laser weapons and on their indiscriminate use when aimed at causing permanent damage to the eyes of civilians or military personnel. It hoped that the Conference would take an important step forward by adopting an international instrument of a preventive and humanitarian nature. The protocol should not, however, hamper the legitimate use of laser beams for military and civilian purposes.

101. An amended version of Protocol II and an additional protocol on blinding laser weapons, if adopted at the present Conference, would enter into force six months after ratification by at least 20 States. Bearing in mind the need to implement the new and stricter provisions as soon as possible in view of their mainly humanitarian nature, the Italian Government was prepared to consider complying with the terms of the amended version of Protocol II and the additional protocol even before their entry into force. It would consult other States to explore the possibility of such earlier implementation of the new provisions so as to ensure that the measures adopted by the Conference took effect as rapidly and as widely as possible.

The meeting rose at 12.45 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.3
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SUMMARY RECORD OF THE 3rd MEETING

Held at the Austria Center Vienna,
on Tuesday, 26 September 1995, at 3 p.m.

President: Mr. MOLANDER (Sweden)

later: Ms. GHOSE (India)
(Vice-President)

CONTENTS

GENERAL EXCHANGE OF VIEWS (continued)

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Any corrections to the records of this meeting and of other meetings of the Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

The meeting was called to order at 3.25 p.m.

GENERAL EXCHANGE OF VIEWS (continued)

1. Ms. BURTON (Ireland) said that the fundamental answer to the problems caused by anti-personnel landmines was their total elimination. Ireland was wholly opposed to the production, stockpiling and use of such weapons and to trade in them; it did not engage in such activities itself and believed that a total ban could be achieved within a reasonable time if only the countries concerned would show the necessary political courage.

2. The indiscriminate use of landmines was the most pressing challenge to the international community in the field of conventional weapons today. There was growing acceptance that the problem could be tackled only through concerted and vigorous action on a number of fronts simultaneously. The International Meeting on Mine Clearance, held at Geneva in July, had focused on the clearing of mines already laid as the first priority. The current Conference should now seek binding agreement on action to ensure the non-deployment of such weapons. The unilateral moratoria on exports of anti-personnel landmines advocated by the General Assembly were a promising first step towards ending the trade in those devices, but were no substitute for contractually binding provisions on transfers. Ireland strongly favoured the inclusion, in a new Protocol II, of provisions which would at least prohibit any transfers of anti-personnel landmines to countries that had not accepted the constraints on use set out in the Protocol. Transfers of mines whose use was prohibited in all circumstances should be totally excluded. Protocol II was the sole international instrument that imposed legally binding obligations on States regarding the use of landmines, and it could play a pivotal role in ending their indiscriminate use. The Conference's most pressing business was to give legal expression to new obligations that would make the Protocol an instrument equal to that task. It was necessary to secure a radical curtailment of the permissible uses of anti-personnel and other landmines by enlarging the prohibitions and restrictions on their use to the maximum extent that would be acceptable to the States parties to the Protocol.

3. Ireland supported the development policies pursued by the international community and strongly endorsed the allocation of greater resources to alleviate poverty in developing countries. The presence of unmarked and undetectable landmines hindered the achievement of that objective. Landmines delayed reconstruction in societies ravaged by war, rendered agricultural land dangerous and unfit for development, and complicated United Nations humanitarian and peace-keeping activities.

4. Detectability was a key issue to be faced by the Conference. The costs and dangers involved in mine clearing were considerable, and in the absence of a total ban there was a clear argument in favour of adopting measures to prohibit in general the use of non-detectable landmines. Her delegation would therefore work towards achieving the broadest possible set of prohibitions and restrictions in that regard.

5. There was growing debate on the relative merits of anti-personnel landmines that were designed to self-destruct or self-neutralize after a short period, thus supposedly presenting less of an enduring threat to life and limb, particularly in post-conflict situations. The Conference should carefully consider whether the inevitable failure rates of such mechanisms would not still cause significant casualties. The failure of such landmines to self-destruct might mean that mine-clearance operations would be no less arduous than if rudimentary mines were used.

6. It was important to keep in mind the broader international effort against the scourge of landmines. For example, General Assembly resolution 49/75 D, while establishing the eventual elimination of anti-personnel landmines as the ultimate goal, also recognized that States would be able to move most effectively towards that goal as viable and humane alternatives were developed.

7. In order to make a practical difference in situations where such weapons currently did most harm, the new Protocol II should apply in all circumstances and to all conflicts, both international and internal.

8. The small number and limited geographical spread of States parties had to date prevented the Convention and Protocol II from becoming a decisive force against conventional weapons that inflicted unnecessary suffering. The Conference should thus strive to include incentives in the Protocol with a view to achieving much wider adherence. Transfer provisions constituted one case in point.

9. A further important objective was the inclusion of provisions for verifying compliance with the Protocol. Opportunities for States parties to demonstrate their full compliance with legal obligations freely assumed by them were an established means of reinforcing the credibility of international legal instruments and of building confidence among States. Measures which the Conference adopted on verification should command wide support, be effective and comprehensive, and embrace the production as well as the use of landmines. Provision for reviews at regular intervals should also be a key element of verification.

10. Ireland hoped to see the Conference move decisively towards a total ban on the use of blinding lasers. Review arrangements should also offer valuable opportunities for taking preventive action in relation to new categories of excessively injurious conventional weapons before they gave rise to problems such as those currently caused by landmines.

11. Mr. PATOKALLIO (Finland) said that the world was confronted with a humanitarian emergency caused by the indiscriminate and irresponsible use of anti-personnel landmines. The Convention placed States parties under an obligation to protect the civilian population, which was a priority in modern warfare, and Protocol II laid down quite extensive restrictions on the use of mines, booby-traps and other devices. However, the fundamental weakness of the Convention was that those rules applied to so few States, especially in

mine-stricken regions. Also, some articles did not meet present-day requirements, as was the case with article 1 of Protocol II. Most armed conflicts now took place within national borders. Extending the scope of Protocol II was thus of prime importance.

12. Another major shortcoming of Protocol II was the lack of any verification mechanism which would ensure its credibility. One of his delegation's priorities was to introduce an effective verification regime, to ensure compliance with the Convention.

13. Finland saw a clear need to strengthen the restrictions on the use of anti-personnel landmines, in particular those without self-neutralizing or self-destruction mechanisms.

14. To avoid casualties among the civilian population, those who laid mines must bear the primary responsibility for clearing them. The need for the control and recording of all minefields was of vital importance, and the existence of proper controls and records would make post-conflict mine clearance a much less arduous and dangerous task.

15. Finland supported restrictions and prohibitions regarding transfers of anti-personnel landmines. It also fully endorsed the proposal to strengthen the Convention by an additional protocol on the use of lasers. The use of lasers that were primarily designed to blind should be banned.

16. The low number of ratifications of the Convention was detrimental to its authority. All States that continued to remain outside the Convention were urged to accede to it and thus bear their share of responsibility. Finland, which had been a party to the Convention since its entry into force, had actively participated in the work of the Group of Governmental Experts and contributed to international mine-clearance programmes through funding and the provision of technical assistance and expertise.

17. Finland fully recognized the total elimination of anti-personnel landmines as an ultimate goal towards which States could move most effectively as both militarily and economically viable alternatives were developed. The humanitarian catastrophe caused by the indiscriminate and irresponsible use of anti-personnel landmines was of deep concern to all. Effective countermeasures required the full commitment of many more States.

18. Ms. GHOSE (India) said that the Conference provided an excellent first opportunity to assess the working of the Convention and to take stock of its strengths and weaknesses. The most glaring deficiency was the small number of States which had become parties to the Convention. The Conference should therefore seek primarily to encourage universal accession, without which the Convention would continue to have a limited reach, no matter how meticulously its Protocols were drafted. It should be borne in mind that while all States parties had voluntarily accepted restrictions on the indiscriminate and irresponsible use of certain weapons, the countries which today suffered most

grievously from the problem of landmines were not parties to the Convention or its Protocols. Her Government was therefore hesitant about the idea of introducing amendments into the text of the Convention itself at the present stage.

19. However, the case of Protocol II was different. The magnitude of the problem of landmines, its persistence long after the end of hostilities, and the vulnerability of its ultimate victims underlined the urgent need for concerted international action. India had been associated with United Nations demining activities since 1961, including operations in the Congo, Cambodia, Mozambique, Somalia, Rwanda and Angola, and assistance in training and other work. For the coming year it had announced a voluntary contribution of US$ 50,000 to United Nations demining operations in the form of a broad range of services, and had provided medical expertise in prosthetics design and assistance in setting up workshops to produce prosthetic aids.

20. India had supported the efforts to strengthen Protocol II and, at the fourth session of the Group of Governmental Experts, had called for a ban on the use of landmines in armed conflicts not of an international character. That should be the immediate goal of the Conference, in order to pave the way for the ultimate elimination of landmines. Her Government had also called for the prohibition of the use of booby-traps in armed conflicts not of an international character, and would like to see that prohibition extended to other devices, including improvised explosive devices. Those measures should not be used for the purpose of interfering with the sovereignty of any State or the legitimate responsibility of Governments to maintain law and order or to defend national unity and territorial integrity. Nor could they justify direct or indirect intervention in armed conflicts or in the internal or external affairs of States parties.

21. India believed that the availability of landmines should be drastically reduced. It therefore strongly supported proposals to ban transfers of such weapons. Measures should be taken to ensure that mines did not find their way to third parties, including militant and terrorist groups, and efforts should be made to institutionalize the moratoria declared individually by various exporting countries. Her delegation believed that Protocol II was the appropriate place to put into effect the ban on transfers. The problem would not be resolved by any ad hoc control regime that was not multilaterally negotiated.

22. India attached great importance to provisions relating to the fullest dissemination of technology for mine detection and clearance and of technological assistance to enable countries to attain the minimum desired standards required under the Protocol. Such measures would result in wider adherence to the Protocol.

23. While India was sensitive to the humanitarian aspects of the landmines crisis, it was not convinced that the response by the international community should include an unnecessarily intrusive verification or monitoring system.

Any such system would, in her delegation's view, deter wider adherence and possibly be open to abuse. Greater confidence could be built through increased transparency and regular exchange of information.

24. The Conference also had before it the task of considering restricting the employment of laser weapons which were primarily intended to cause permanent blindness. Intentional blinding violated the rules of international humanitarian law and should be prohibited as a method of warfare. India therefore saw merit in adding a protocol on blinding weapons to the Convention, and further work could be carried out on the basis of the informal working paper submitted by the Chairman of the Group of Governmental Experts (CCW/CONF.I/1, annex II).

25. Mr. PUNCH (Australia) said that the presence of the participants at the Conference reflected a shared belief that even the harsh reality of armed conflict should be tempered by humanitarian constraints. The restrictions laid down in the Convention regarding the use of incendiary devices and weapons which injured by non-detectable fragments were strong and clear. There seemed to be near consensus on the need for a new protocol to prohibit the use of weapons designed, or intentionally used, to cause permanent blindness. His Government strongly supported that proposal and looked forward to its early adoption.

26. Unfortunately, there was no such consensus on how best to solve the problems posed by the misuse of anti-personnel landmines, problems which had greatly increased since the Convention had been opened for signature 14 years previously. Australia had long been in the front line in terms of mine-clearance operations; it had been involved in training work in Afghanistan and had defence personnel serving in that connection in Cambodia and Mozambique. His country was committed to continuing its support for international mine-clearance activities, and over the coming year would provide a $5 million package of international assistance, bringing its total commitment to date to about $20 million. However, rather than spending scarce resources on clearing mines, his Government would far prefer its foreign aid to go directly into fields such as health, education and food production.

27. In order to make real progress, efforts to clear existing minefields must be combined with action that attacked the problem at its source. His Government was committed to the eventual elimination of all anti-personnel landmines as an ultimate goal, but, in the absence of widespread international support for an absolute ban, at least pending the development of viable and humane alternatives, it was of the view that lesser but still worthwhile practical solutions should be pursued. It would therefore urge all countries to support a ban on long-lived anti-personnel mines that were not self-destructing or self-deactivating and on non-detectable mines. Australia was preparing a plan for the replacement of its current mine stocks and for conversion to self-destructing and self-deactivating types. Since highly cost-effective technology for the production of those types of mines was already available, the cost would be much less than that of continued reliance

on long-lived mines, whose consequences included loss of life, the need to rehabilitate the victims, development opportunities foregone and clearance operations. While some countries saw a need for static, long-lived minefields in certain locations, exceptions to the principle of using only self-destructing mines should be kept to the minimum. Indeed, he hoped the Conference would reach a solid consensus that the only anti-personnel mines to be used in battle should be self-destructing.

28. Even self-destructing minefields should be recorded, fenced, signposted and monitored, but such systems of protection were always liable to break down. Fences could be removed, and troops responsible for monitoring forced to withdraw. The real answer must be to separate the use of long-lived anti-personnel landmines from the heat and confusion of battle. His country would be submitting a paper showing how the revised draft article 4 of Protocol II could be further strengthened to meet that aim.

29. The Conference should also address wider issues. Australia was in favour of extending the application of the Convention, or at the very least of Protocol II, to non-international conflicts and would urge all States parties to maintain the support given to that idea by the Group of Experts.

30. The Convention should incorporate restrictions on the production and transfer of landmines and should affirm the principle that anti-personnel landmines should be supplied only to States committed to obeying the rules of war. It should also prohibit the transfer of mines to States not parties to the Convention and should prohibit the production and export of mines of a type, or for a purpose, not sanctioned under the Convention.

31. It was in the best interests of all States to take unilateral measures to counter the proliferation of long-lived anti-personnel landmines and to place a moratorium on their production and export, since otherwise very costly mine-clearance operations would continue indefinitely, which would result in an increasing financial burden.

32. There should be no question that an effective verification and compliance regime was needed, though controversial issues such as its degree of intrusiveness would have to be discussed.

33. In addition to strengthening the provisions of the Convention, it would be important to enhance its authority by securing a substantial increase in the number of States parties.

34. He expressed his appreciation of the work done by the Group of Experts in Geneva. The rolling text was commendable, but it did not go far enough, particularly the proposed text for article 4 of Protocol II. A long-term view should be taken, and it should be recognized that the cost of converting stocks of mines would be small in comparison to the costs of inaction.

35. Mr. MINTY (Observer for South Africa), said that South Africa's recent accession to the Convention had been motivated by its commitment to eliminating the suffering caused by war and to promoting international peace and security. His delegation would participate fully in the work of the Main Committees in the expectation that the Convention would soon enter into force for South Africa.

36. Past armed conflicts had left landmine problems in many parts of the world, including southern Africa. His Government therefore supported the elimination of anti-personnel mines as an ultimate goal, but its immediate concern was to prevent their proliferation and restrict their use.

37. After its democratic transformation, South Africa had undertaken a revision of its defence and security policies, in which context it had co-sponsored General Assembly resolution 49/75 D on a moratorium on the export of anti-personnel landmines. South Africa's own moratorium on the marketing, export and transit of all types of mines was to be expanded by the introduction of a permanent ban on the export or sale of long-lived anti-personnel landmines.

38. His country also intended to pursue a programme of practical measures. It would endeavour to develop and share with others new technologies for self-destructing, self-deactivating mines. It would, within a realistic time-frame, destroy its existing anti-personnel landmines and replace them with self-destructing and self-deactivating types. It would improve its advanced demining and mine countermeasure technologies. It would use landmines only for defensive purposes and within CCW constraints. It would explore the feasibility of developing viable alternatives to the use of anti-personnel mines. It committed itself to abiding by the decisions reached at the Conference.

39. South Africa was concerned at the ready availability of low-cost mines, including long-lived mines, to individuals and groups in some areas of the world, a problem to which the international community should give special attention.

40. In participating in the Conference, South Africa would be seeking to promote the following: universal application of the Convention; strengthening of the provisions of Protocol II as a step towards the elimination of landmines; extension of the scope of the Convention to cover internal conflicts; prohibition of the transfer of all long-lived anti-personnel landmines, and of any mines to States not parties to the Convention; prohibition of the use of non-detectable mines; exclusive use, within a reasonable time-frame, of reliable self-destructing and self-deactivating mines and destruction of stocks of long-lived mines; further restrictions on the use of mines so as to avoid civilian casualties; technical cooperation and assistance for States parties to the Convention in mine-clearance; establishment of an effective verification regime; introduction of a new protocol to ban the use of blinding laser weapons; and the holding of regular review conferences to evaluate progress.

41. Mr. VOORHOEVE (Netherlands) said that the situation with regard to landmines was completely out of control: there were more than 110 million mines scattered over some 64 countries, but only 100,000 were being cleared each year. The Conference marked the beginning of the battle against those weapons and aroused expectations that must not be disappointed. Firm measures were needed to reduce transfers of mines and develop new defensive technologies in their place. A massive international mine-clearance programme had to be set up. The Netherlands had set aside $5 million for specific mine-clearance operations in the coming two years and its contribution to mine clearance over the past three years had amounted to $8.5 million. Members of its armed forces had taken part in such operations in countries of Africa and Asia, and a number of specialists had been made available under the United Nations Standby Arrangement System. Demining operations had included training the local population to clear and destroy mines. Some 500 persons had been trained under a programme in Mozambique, but that programme had been less effective than desired, partly owing to lack of coordination within the United Nations.

42. Though the Conference was unlikely to bring about a complete and immediate ban on the use of landmines — to which the Netherlands was, however, committed as an ultimate goal — it could produce significant results. The Netherlands was in favour of national and international study and action for the development of humane and militarily acceptable alternatives to landmines, which would have to be inexpensive if they were to be viable. It was prepared to pay its share of the cost of dealing with the landmine problem, as illustrated by its decision to destroy some 400,000 mines held by its armed forces.

43. The Netherlands Government strongly supported bold steps to strengthen the 1980 Convention. In particular, the scope of the landmine Protocol should be extended to cover internal armed conflicts and it should also apply in times of peace. There should be a general prohibition of mines that were not detectable and self-deactivating and of mines that detonated when being detected. Together with 14 other co-sponsors, his delegation had proposed a new article to restrict the transfer of landmines; States that accepted restrictions on their own use of mines should logically deny the possibility of using mines to States not parties to the Convention. There should be improved protection for personnel of the International Committee of the Red Cross and other humanitarian organizations against the effects of landmines. Efforts should be made to establish an effective verification regime.

44. It was to be hoped that more States would become parties to the Convention and bring it closer to the goal of universality.

45. The Conference would also, at the initiative of Sweden, be considering a new Protocol prohibiting the use of blinding laser weapons, to be applicable in international and internal armed conflicts and in times of peace. Such a measure was strongly supported by his Government.

46. Ms. BOKOVA (Bulgaria) said that her country had devoted special attention to the question of anti-personnel mines and had co-sponsored all General Assembly resolutions on the subject. It had also participated in the conference on mine clearance and was ready to contribute to related international efforts, including the promotion of and cooperation in scientific research for the advancement of detection and clearance technologies.

47. In line with its foreign policy priorities, Bulgaria associated itself with the statement made by the representative of Spain on behalf of the European Union.

48. There would have been no indiscriminate use of anti-personnel mines if existing international humanitarian law had been observed. As things stood, it was necessary to strengthen the Convention, in particular Protocol II, for which reason Bulgaria had contributed constructively to the preparation of the rolling text of that Protocol. However, it was also necessary to bear in mind realistic considerations of military doctrine in the context of Protocol II, and a cautious attitude should be adopted to unreasonable restrictions on the efficiency of national defence.

49. Bulgaria had the following points to make with regard to Protocol II. Its scope should be extended to cover parties to a conflict which were not States parties to the Convention. Anti-personnel mines which did not conform to the detection requirements stated in the draft Technical Annex should be prohibited. The new section of Protocol II on international technical cooperation and assistance in mine clearance should be based on the principle that States were under an obligation to facilitate the provision of equipment, materials and information for that purpose and that States parties had a right to participate in such international exchange. The provision of anti-personnel mines to non-State entities should be prohibited. Compliance by States parties should be monitored, with the submission of an annual report to the Depositary as the centrepiece of the monitoring system.

50. The Chairman's rolling text would be an appropriate basis for the final drafting of the new Protocol II. Her delegation would be submitting draft additional language and amendments.

51. Her delegation welcomed the draft of a protocol on laser weapons and the statement by the United States Department of Defense on the prohibition of blinding laser weapons.

52. Mr. COOK (New Zealand) said that his country, which was neither a producer nor a large-scale consumer of landmines, had been an active participant in mine-clearance programmes in Afghanistan, Angola, Cambodia and Mozambique. However, international demining efforts continued to be outstripped by the emplacement of new landmines, and ways had to be found of reversing that trend. The Convention needed to be strengthened and much wider adherence promoted, ideally leading to universal participation.

53. New Zealand's objective at the Review Conference was to seek the adoption of the most effective restrictions that were achievable on the use and transfer of anti-personnel landmines. However, it was important that participants be wary of rejecting achievable good for unachievable best. New Zealand would welcome a complete ban on the use, manufacture, stockpiling and transfer of all non-self-destructing anti-personnel landmines, but acknowledged with regret that such a step was unlikely to be accepted. In order to achieve consensus, it would be necessary to make provision over the medium term for exceptions to such a ban, exceptions which, however, should be strictly delimited. Pending a complete ban, the Review Conference should send a clear message to those responsible for manufacturing landmines and for determining military inventories that international norms had shifted away from the use of long-lived mines, and that wherever possible stocks of such weapons should be replaced by mines with a fixed, short-term, self-destruct period. New Zealand supported the amendment of article 4 of Protocol II in such a way as to make that clear.

54. New Zealand fully supported the complete prohibition of non-detectable mines and mines designed to be triggered by mine-detection equipment. It also supported the inclusion in the Protocol of measures dealing with the import and export of landmines; such measures should prohibit their transfer to States which were not parties and to non-State entities; it also made sense to ban the transfer of any type of mine prohibited under the revised Protocol II, for to do otherwise would reduce the effectiveness of the Protocol's other prohibitions and restrictions. New Zealand welcomed the consensus that had emerged to extend the scope of the Protocol beyond international armed conflict, since recent history had shown that many of the most serious landmine problems had occurred in the course of civil war and its aftermath.

55. Information-sharing and confidence-building should be a central part of any revised Protocol II regime, and the suggestion of a register was a valuable one. New Zealand also favoured the creation of an effective, streamlined verification system which would allow for fact-finding of the type provided for under article 90 of Additional Protocol I to the Geneva Conventions. Provision should be made for individual criminal liability in international law for grave breaches of the Protocol. The proposals appended to the Chairman's rolling text included all the elements necessary for an effective transparency, verification and compliance regime.

56. General Assembly resolution 49/75 D expressly mentioned the need to move with evolving technology towards tighter controls on landmines, and it was for that reason that New Zealand regarded more frequent review conferences as an important part of a strengthened Protocol II regime. The existing provisions should be amended to allow States parties to request the convening of a conference to review Protocol II if no such conference had taken place in the preceding five years, and New Zealand would be submitting proposals on that issue at the current conference.

57. The establishment of a commission to address Protocol II issues would be valuable. Such a body would provide a forum for exchanging information and promoting implementation; it could develop amendment proposals and undertake preparatory work for formal review conferences.

58. While amendment of Protocol II should be the primary focus of the Review Conference, New Zealand supported the adoption of the draft text of a fourth Protocol dealing with blinding laser weapons.

59. Ms. Ghose (India), Vice-President, took the Chair.

60. Mr. BERGUNO (Observer for Chile) said that the review of the Convention and its Protocols was a matter of fundamental importance in the field of disarmament, the development of international humanitarian law and the protection of human rights. The Convention had not achieved its aim because of the limited number of signatories and ratifications, because it did not provide the necessary means to prevent the excessive damage caused by wars which were often not international conflicts, because there had not been the required progress in negotiations on conventional disarmament and because the Convention did not provide the necessary enforcement and verification mechanisms. The Convention and Protocol II represented a convergence between the strategic view that there was no alternative to anti-personnel mines and humanitarian reason, which rebelled against a system of weapons that caused indiscriminate damage to civilian populations, especially children. The resultant of those contradictory forces was not so much a synthesis as a compromise, which did not provide the necessary protection for the victims of conflicts that were increasing both in number and in intensity. There was no single viable solution to the enormous challenge posed by 100 million mines; efforts had to be made on a number of fronts, such as a moratorium on exports, control of conventional weapons and international cooperation in mine clearance. Those efforts would be carried on in other forums. They should not be confused with the specific task of the Review Conference, which was to consider why the Convention was not proving effective and adapt it to meet new circumstances.

61. Chile was willing to cooperate in that endeavour. It had supported the General Assembly resolution declaring a moratorium on exports, and for more than a decade no mines had been manufactured in Chile. Arms exports from Chile were subject to strict procedures. If consensus were reached to transform the Convention into an effective tool of disarmament and international humanitarian law, Chile would join other Latin American countries in acceding to the Convention and its Protocols.

62. Chile hoped that the Review Conference would result in the Convention acquiring an implementation mechanism. The three alternative proposals relating to verification and compliance in the Chairman's rolling text were complementary and not mutually exclusive. Chile's preference would be for the establishment of a commission of States parties.

63. With regard to the alternatives in respect of the material scope of application, they were similar in substance, but reflected different emphases. There was agreement on the range of weapons to be covered and on the need to extend the scope of application to include non-international conflicts, and it should be possible to accommodate the interests both of States and of international law. It was essential to recognize that most of the damage produced by anti-personnel mines was caused in non-international conflicts, and the victims thereof should be provided with the necessary protection.

64. The restrictions on the use of anti-personnel mines were in general adequate, but they should also be consistent with the development of concepts of international security and strategic doctrine favouring the values of defence and deterrence and the non-offensive approach to common security. The promotion of such concepts in parallel with technological advances should serve to bridge the gap between what was permitted and regulated and what was unacceptable practice and should be prohibited.

65. With regard to verification, it would be necessary to proceed with caution, making sure that it did not involve any more intrusion than was strictly necessary. The mechanisms provided for in the chemical and biological weapons conventions could be taken as a model, with due allowance for the difference in subject-matter.

66. Chile supported the extension of protection envisaged in article 8, the improved technological cooperation and assistance provided for in article 9, and the adoption of all necessary and appropriate measures to protect the civilian population.

67. The Review Conference offered an opportunity to analyse the main problems that would arise with the development of new weapons, such as laser, microwave, radiological, electronic and environmental modification systems. With one exception, it would be premature to try to regulate their use, but the Conference should at least issue a solemn declaration that such weapons ought to be subject to the principles and norms of international humanitarian law. The exception was blinding laser weapons; Chile favoured immediate consideration of the draft Protocol on the subject. It would also be worth while giving consideration at a later stage to small-calibre weapons and naval mines. In general, Chile hoped that the Review Conference would be able to establish guidelines for preventive action to prohibit the development of inhumane technologies and thereby to avoid the need to remedy the misery they might cause.

68. Mr. MOHER (Canada) said that the Review Conference should evaluate every proposal and measure in relation to the fundamental principles set forth in the Convention, namely, the importance of pursuing every effort to secure general and complete disarmament under strict and effective international control, the need to continue the codification and progressive development of the rules of international law applicable in armed conflict, the general principle of the protection of the civilian population against the effects of hostilities, and the principle that prohibited the employment in armed

conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering. The Review Conference should also respond to the fact that the 1990s had been characterized by a tragic increase in conflicts, mostly of an internal nature, with their origins in social, ethnic, religious and cultural differences. Continued efforts should be made to promote political, economic and social development, to improve crisis prevention and conflict resolution and to undertake more cost-effective humanitarian assistance and reconstruction programmes.

69. The Review Conference's central purpose was to ensure that the Convention was as effective as possible. It should issue a forceful declaration calling upon all members of the international community to become Parties to the Convention; provision should be made for a review every five years; and its scope should be progressively extended to cover new issues. In particular, a new protocol should be adopted to prohibit the use of blinding laser weapons. The Review Conference should ensure that Protocol II dealt effectively with the tragic consequences of the indiscriminate use of landmines.

70. Canada firmly believed that the objective of the international community should be the elimination of anti-personnel landmines, but that would not be achievable for some time, so the Review Conference should be sufficiently realistic not to demand too much and risk losing everything. The preparatory meetings had identified a range of necessary amendments, such as an effective detectability standard, the conversion of inventories to self-neutralizing and/or self-destructing landmines, severe limitations on the use of so-called "dumb mines", and controls on transfers, but in Canada's opinion two amendments were critical.

71. Firstly, if the scope of Protocol II could not be amended to include internal conflicts, it would be severely limited in its effectiveness and the Review Conference would be exposed to ridicule by the international community. In fact, Canada would prefer to see the scope of the entire Convention extended to include internal conflicts. The concern that extending the scope to internal conflicts would infringe State sovereignty or lead to interference in internal affairs should not be ignored, but at the same time should not be taken to such an extreme that it would neutralize the efforts of the Review Conference. Canada strongly supported the amendment to article 1 of the Protocol put forward by the Group of Experts.

72. The second critical amendment concerned verification of compliance with the stricter provisions that were being drawn up. It would be necessary to have a workable process for collecting the required information, a political mechanism to consider the information and make judgements, and provision for action in the event of violations being discovered. That would be nothing new: innumerable bilateral and multilateral agreements contained provisions for dealing with complaints and resolving disputes and such measures were essential to ensure strict and effective international control. Their

incorporation in the Convention would be a major step forward towards achieving the longer-term objective of a complete ban on all anti-personnel landmines.

73. Canada wished to see adequate protection afforded to peacekeepers and those sent into internal and international conflicts to carry out political and humanitarian tasks on behalf of international, regional and other humanitarian organizations. The provisions of the Convention should duly complement those of the Convention on the Safety of United Nations and Associated Personnel. Canada had been a leading advocate of that Convention, and strongly supported the insertion in article 8 of Protocol II of expanded protection for such persons.

74. Mr. SESTAK (Slovakia) said that the nature of armed conflicts was changing: between 80 and 90 per cent of injuries were now caused among the civilian population, and the civilized world had a moral duty to halt that trend. The situation had been brought about to a large extent by the vast number of anti-personnel landmines deployed in local conflicts in recent decades. They were simple and cheap to produce, readily available and easy to use. They remained active and dangerous long after the end of conflicts and the complexity and cost of their removal was thwarting attempts to prevent their proliferation.

75. Slovakia therefore welcomed the international community's growing awareness that the problem could only be resolved through long-term joint humanitarian action resulting eventually in the removal of all mines and their total prohibition. It was clear that existing regulations were not sufficient. An innovative approach was required that encompassed the humanitarian, disarmament and arms control aspects of the issue. His country had declared a full moratorium on the export of all types of anti-personnel landmines as of April 1994.

76. The weak points of the Convention were threefold: the small number of States parties; the fact that it covered international conflicts only; the absence of implementation and verification mechanisms. Slovakia therefore supported measures aimed at rapidly increasing membership, the earliest possible limitation of the availability of mines and the strengthening of Protocol II. It considered that the scope of the Convention should be extended to cover internal conflicts. It was in favour of prohibiting all categories of mines that were difficult to detect, all types of anti-personnel landmines equipped with anti-handling devices and all types of booby-traps and other explosive devices. It also supported a ban on the use of non-self-destructing and non-self-neutralizing anti-personnel landmines outside protected and guarded minefields. Likewise, it endorsed efforts to limit transfers of anti-personnel landmines and thus prevent their proliferation. Such transfers should only be allowed among States parties to the Convention. Transfers that did not meet the new standards and shipments to countries that were not parties to the Convention and its Protocol II should be prohibited, either by provisions under that Protocol or through an independent control regime.

77. His country took the view that the new measures could not be effective unless they were supported by a verification mechanism and was in favour of the creation of a verification commission to investigate any misuse of anti-personnel landmines. Similarly, any serious violation of Protocol II should come under the jurisdiction of an international court and be classified as a war crime. Slovakia was also in favour of strengthening measures to increase the protection of staff from international organizations and national non-governmental organizations involved in peace-keeping, humanitarian aid or demining operations.

78. His delegation would give full support to a ban on the production and use of laser weapons to cause permanent blindness as a method of warfare.

79. His country was ready to participate in demining programmes using its own military equipment and to make available the skills and experience of its experts for future verification exercises. Slovakia would maintain its decision not to export mines and strongly encouraged other States to follow suit.

80. Mr. MARCHAN (Ecuador) said that one of the main challenges facing the Conference was the need to develop the principles and provisions of international humanitarian law without affecting the security of States and the right of self-defence established in Article 51 of the Charter of the United Nations. Both war and its consequences must be governed by law. Countries which were the victims of military aggression inevitably sought means of defending themselves, but in doing so they ought to comply strictly with the provisions of the CCW Convention and its Protocols.

81. Ecuador had been the third State to ratify the CCW Convention and all its Protocols. As a peace-loving country, which in the past had been prey to military occupation and aggression, it considered that while every effort should be made to move towards the goal of dismantling all weapons, it was also necessary to improve the legal instruments and mechanisms for the peaceful settlement of conflicts.

82. The Conference would be helping to promote the rule of law if it succeeded in laying down clear rules, setting up transparent verification mechanisms, protecting the right of self-defence, strengthening confidence-building measures, adopting all the necessary safeguards to protect the civilian population and eliminating from the outset those new weapons designed to cause even greater human suffering. The Secretary-General of the United Nations had justifiably accorded top priority to such matters in his report "An Agenda for Peace".

83. In that spirit, Ecuador was in favour of extending the scope of the Convention to cover all types of armed conflicts, in line with articles 2 and 3 of the Geneva Conventions of 12 August 1949. It also supported a total ban on the production and use of non-detectable and non-self-destructing mines. Such a provision would encourage compliance with the obligation to

remove mines once a conflict had ended, although it would of course also be necessary to have procedures for establishing that a conflict was well and truly over.

84. Ecuador also supported the inclusion of provisions in the Convention making it an obligation for those States parties which were in a position to do so to provide technical assistance for mine removal. In that connection, the creation of a database accessible to all Member States would be extremely useful. It should contain information on the technology used for the production, removal and self-destruction of mines. The United Nations should also maintain a register of mine removal experts whose services Member States could draw upon if necessary.

85. He endorsed the proposals for the inclusion of verification measures and complaint and sanction procedures in Protocol II. However, they would not be effective unless institutional mechanisms were established and granted sufficient authority and legal and material resources. It was essential to encourage international financial aid for mine removal, which should preferably be channelled through the United Nations and the Voluntary Trust Fund for Assistance in Mine Clearance. The Fund should be run on the principle of shared responsibility with compulsory contributions from States which manufactured and exported mines as well as additional voluntary contributions from other countries and possibly non-governmental sources.

86. Ecuador believed that the amendments to the CCW Convention should focus on strengthening the humanitarian aspects of the instrument and its Protocols. It welcomed the presence of such a large number of international and non-governmental organizations and press agencies, which reflected the broad interest and concern about the issues at stake.

87. Mr. IENG MOULY (Observer for Cambodia) read out a message from the King of Cambodia, which described the legacy of horror left by landmines in Cambodia. It had the highest percentage of inhabitants disabled by such weapons. During 1990 and the first quarter of 1991, landmines had injured more combatants and non-combatants than any other weapon, and more than half of those injured had been innocent civilians. The country was already infested with landmines, yet the warring sides continued to plant still more, without keeping any record of their location, which made it very difficult to detect and remove them. The King expressed his appreciation of the efforts made by several NGOs, including Norwegian People's Aid, the HALO Trust, MAG and COFRAS, which had provided Cambodians with intensive training in demining operations. So far 0.4 per cent of Cambodian land had been cleared and 40,000 mines removed together with some 170,000 unexploded pieces of ammunition. Thanks were also due to international organizations and prosthetic agencies including AMS, Cambodia Trust, the International Committee of the Red Cross (ICRC), VVAF and Handicap International for the assistance provided to the victims of landmines in Cambodia. The King appealed to countries producing landmines to join the Cambodian Government in enforcing a complete ban on the

use, production, stockpiling, sale, transfer and export of anti-personnel mines, including the new generation of self-destructing and self-neutralizing mines.

88. The message from the King of Cambodia was also an appeal on behalf of the entire Cambodian nation, which had endured so much suffering from a weapon whose use was no longer justified. The ban on anti-personnel landmines had received wide support in the country. Addressing an international conference on landmines, held in Phnom Penh in June 1995, the Chairman of the National Assembly, speaking on behalf of the King, had called for sanctions for those who used and laid landmines. He had appealed to mine-producing nations to halt production and destroy all existing arsenals of landmines and to ban their sale and shipment. He had urged the immediate cessation of new mine planting and the immediate destruction of all landmines in the hands of the Khmer Rouge.

89. The Government of Cambodia was currently drafting legislation which would ban the production, use, possession, transfer, trade, sale, import and export of anti-personnel mines. It would provide for criminal penalties, including fines, for offences committed by civilians or by members of the police or armed forces. It further stipulated the destruction of existing mine stockpiles and the creation of a mine control commission.

90. The Cambodian delegation had come to the Review Conference with a view to achieving an international ban on anti-personnel landmines, but was willing to cooperate with others in ensuring the success of the meeting. In due course it would take steps to sign and ratify the revised Convention and become a party to it.

91. Mr. BODEMAR (Observer for the Office of the United Nations High Commissioner for Refugees) said that, in the words of the Secretary-General of the United Nations, the landmine crisis was now an ongoing humanitarian disaster. It was of particular concern to the Office of the United Nations High Commissioner for Refugees (UNHCR), since landmines killed and maimed asylum-seekers, refugees and returnees and, in the last five years, had increasingly obstructed UNHCR's staff in their work. Landmines prevented and endangered the flight of civilians, trapping them in areas of conflict, and impeded the access of humanitarian staff and life-saving aid. After conflicts were over, they prevented the return home of refugees and displaced persons. Moreover, even after the clearance of access routes, the presence of mines on arable land made it difficult for returnees to become self-supporting. Such a situation increased the transport and other costs of UNHCR operations and frequently resulted in long-term dependence of returnees on international assistance. Refugee women searching for water and firewood and refugee children who mistook some forms of mines for toys were major victims. The International Meeting on Mine Clearance held in July 1995 had been an important landmark in raising international awareness about the landmine crisis, which had been recognized by all participants as being of enormous magnitude. The Review Conference provided the opportunity to take the effective action called for in Geneva to resolve the crisis.

92. During the preparatory meetings of the Group of Governmental Experts, UNHCR had indicated a number of areas in which the CCW Convention might be strengthened. First, it was necessary to extend the Convention to cover internal conflicts, which were becoming more and more frequent and in which anti-personnel mines were increasingly being used in huge quantities and in an indiscriminate manner. Second, measures should be adopted to maximize protection for the staff of United Nations agencies. It was important that the safeguards for United Nations peace-keeping forces applied equally to the staff of UNHCR and other United Nations humanitarian agencies. Third, all warring parties who used landmines, including non-State combattants, should be required to keep records and maps showing where the mines were planted and to make such records readily available to all the United Nations humanitarian agencies concerned. Often humanitarian staff were the only representatives of the United Nations present in a mine-infested area, and they must therefore have immediate access to such information in order to perform their work. Lastly, the Review Conference should adopt more effective mechanisms to ensure compliance and make the States parties more aware of their obligations. UNHCR also subscribed to the additional and more detailed amendments to the Chairman's rolling text proposed by ICRC and the Department of Humanitarian Affairs.

93. Given the magnitude of the landmine problem, measures aimed at controlling and restricting their use would only have a limited impact. Many delegations had supported the Secretary-General's appeal for a total ban on the use, production and stockpiling of landmines. The first step towards that end was a ban on the use, production, stockpiling and sale of anti-personnel mines. Whatever limited military value anti-personnel mines might have, it was in no way commensurate with the toll they took on civilians. They killed and crippled indiscriminately and in large numbers, mainly at the end of conflicts, which was tantamount to a crime against humankind. Those selling or manufacturing anti-personnel mines must share responsibility for the death and suffering they caused to innocent people, and their interests must not be furthered by those persons called upon to alleviate such suffering. For that reason UNHCR, as well as some of its humanitarian partners, required all those with whom it entered into commercial procurement contracts to sign a clause certifying that they did not manufacture or sell anti-personnel mines or their components.

94. The efforts of the humanitarian agencies to contain the effects of landmines were minute when compared with the possible achievements in preventive terms of the Review Conference. He hoped that participants would not let slip the opportunity for action on which the lives of many depended.

The meeting rose at 6.05 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.4
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SUMMARY RECORD OF THE 4th MEETING

Held at the Austria Center Vienna,
on Wednesday, 27 September 1995, at 10 a.m.

President: Mr. MOLANDER (Sweden)

later: Mr. EHRLICH (Austria)

CONTENTS

GENERAL EXCHANGE OF VIEWS (continued)

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The meeting was called to order at 10.30 a.m.

GENERAL EXCHANGE OF VIEWS (continued)

1. Mr. JAKUBOWSKI (Poland) said that his delegation associated itself with the statement made by the representative of Spain on behalf of the European Union.

2. Polish public opinion and the Polish authorities attached great importance to the resolution of the problem of excessively injurious and indiscriminately used weapons. Anti-personnel landmines undoubtedly posed the greatest threat. Although his delegation was aware that efforts were needed in a variety of fields to eliminate inhuman military activities, it felt that the Review Conference's primary task should be to strengthen Protocol II of the CCW Convention.

3. The people of Poland knew only too well the price of restoring to normal a country saturated with mines or other explosives from their experience in clearing unexploded munitions after the Second World War and from the experience of Polish personnel engaged in current United Nations peacekeeping operations. They therefore welcomed any concerted action to protect humanity from the global landmine disaster.

4. He was gratified to note that the number of States declaring moratoria on anti-personnel landmine exports was growing continuously. Poland had ceased production some 10 years earlier, and the policy of the Polish Government was strictly in line with relevant United Nations General Assembly resolutions of 1993 and 1994, which had been co-sponsored by Poland. The Polish Council of Ministers had, two weeks previously, adopted a resolution imposing, up to the year 1998, a moratorium on the export of anti-personnel landmines that were undetectable by electromagnetic devices or non-self-destructing and non-self-neutralizing, thus formally endorsing a de facto moratorium which had existed since the beginning of 1994.

5. As one of the original parties to the CCW Convention, Poland had always supported the idea of strengthening the protective system created by the Convention and its Protocols. It had participated actively from the very beginning in the work of the Group of Governmental Experts and engaged in complementary activities related to the issue of anti-personnel landmines. It had submitted a proposal to the CSCE on tackling the problem in Europe, and specific proposals were being developed on that basis.

6. Pointing out that anti-personnel landmines were mainly used for self-defence by States with limited human and economic resources and that, consequently, they formed a significant element of the legitimate defence systems of many States, he said that a system of prohibitions and restrictions agreeable to all States should be established if the Convention and its Protocols were to be made really effective and universally adhered to. Specific prohibitions and restrictions should concentrate on the use and transfer of anti-personnel landmines. His delegation favoured a comprehensive

prohibition on the use of remotely-delivered mines which were not self-destructing. Similarly, Poland supported the idea of prohibiting the use of mines which were non-detectable by regular electromagnetic means. Furthermore, the use of anti-personnel landmines without self-destructing and self-neutralizing mechanisms should be strictly limited and precisely defined.

7. Poland strongly supported the recommendation of the Group of Governmental Experts to extend the applicability of Protocol II to non-international armed conflicts, since the overwhelming majority of cases of indiscriminate and irresponsible use of anti-personnel landmines had occurred in such conflicts.

8. Recognizing the urgent need to extend the protective provisions of Protocol II to United Nations and associated personnel and to personnel of clearly specified humanitarian missions, Poland had already submitted a relevant proposal and participated constructively in a joint initiative undertaken during the meetings of the Group of Governmental Experts.

9. The provisions concerning mine clearance were a very important part of Protocol II. However, some States would be unable to participate in that process without technological cooperation and assistance. At the International Meeting on Mine Clearance Assistance, Poland had offered to provide training for indigenous deminers and medical treatment, surgery and rehabilitation for landmine victims. Polish military personnel serving with the United Nations peace-keeping operations had traditionally been involved in demining activities.

10. With regard to the question of verification and compliance, Poland was generally in favour of creating an international body, perhaps a Commission of States Parties, that would concentrate on encouraging proper implementation of Protocol II. He believed that such a concept could be acceptable to all States parties.

11. The Polish delegation supported the idea of adding a new protocol on blinding lasers to the Convention and was fully prepared to contribute to that end. Such a new instrument would not hamper technological progress in laser targeting techniques, the humanitarian aspect of which seemed to be self-evident. He also agreed with the widely expressed view that technological progress necessitated more frequent review conferences in the future. The interval between them should not exceed five years.

12. Mr. DAVIS (United Kingdom) said that his Government shared the widespread abhorrence at the terrible suffering caused to civilians, much of it long after hostilities had ended, by the irresponsible and indiscriminate use of landmines. It strongly endorsed the view that the international community ought to address the problem urgently and effectively. Earlier in 1995 it had announced a broadening of the scope of its national moratorium introduced in 1994. A total ban was now being imposed on the export of non-detectable or non-self-destructing anti-personnel mines as well as on the export of all anti-personnel landmines to countries which had not ratified the

CCW Convention, with the aim of ending the trade in those types of anti-personnel landmines that were potentially the most dangerous to civilians. Despite the commitment demonstrated by other States which had announced initiatives of their own, however, everyone knew that national measures alone would not be enough. What was needed was a concerted effort by the international community, and the Review Conference was an important step in that direction.

13. It was easy to say "ban all landmines", but the vast majority of countries, including the United Kingdom, regarded them as a legitimate means of defence, provided they were used responsibly and in accordance with the laws of war. Clearly, the real problem lay elsewhere. A ban on landmines by some of the most responsible countries would have little effect in the areas with the biggest problems, and landmines would continue to be used. His Government's aim was to ensure that the international rules for the use of landmines were tightened up and that countries which did not follow those rules were denied access to them. However, it was necessary to go further and to strive to reduce existing stocks of non-self-destructing anti-personnel mines until they were phased out of existence.

14. Mines had been described as weapons which acted in slow motion, and it was their so-called "delayed action" which led to such terrible protracted suffering. All landmines could cause injuries to civilians as well as soldiers if misused, but a landmine which self-destructed after a given period ceased to be a danger. That is why the United Kingdom was keen to see self-destructing mines become the norm. His Government was convinced that a failure rate of one in a thousand for such mines was possible and insisted that that standard be written into the definition for self-destructing anti-personnel mines in the revised Protocol II. Any anti-personnel mine that did not meet that standard should be classified as non-self-destructing, as a "dumb" mine, with all the prohibitions attracted by that definition.

15. His Government's specific objectives for the Review Conference were set out in the European Union's Joint Action agreed earlier in 1995. The shared aim was to achieve a Convention with wider application, extending to internal conflicts, where so many of the abuses of landmines occurred, with wider adherence and with strengthened provisions to protect civilians. It was important that the Convention should set down clear definitions and standards for self-destructing mines. It should stipulate how and when minefields were to be marked. It should ensure that minefields were properly mapped, both to assist mine clearance after a conflict and to protect humanitarian agencies. There should also be effective provisions to assist those agencies when working in those areas. The Protocol should ensure that mines were detectable. Non-detectable anti-personnel mines should be completely banned. The Protocol should also introduce controls on transfers and it should have an effective verification mechanism.

16. While he was hopeful that the outcome of the Conference would be a much strengthened Convention, he warned that the Convention alone could not solve all the problems caused by landmines. Further efforts, and further

complementary measures, would be needed, which the United Kingdom would continue to support. One such measure, which he believed to be of particular importance, was the proposal made by the United Kingdom together with the United States of America, for an anti-personnel Landmine Control Programme which would seek to stop the production of "dumb" mines and would reduce reliance on them by a declared, steady programme of stockpile reductions. The Programme was designed to complement and supplement current efforts to strengthen the Convention. It recognized the importance of humanitarian assistance, including assistance in mine clearance, and would require participating States to pledge help as far as possible. The first multilateral meeting in Budapest in June 1985 to discuss the proposal had been a successful first step, but much work still lay ahead.

17. The enormous problem of existing anti-personnel mines which continued to kill and maim civilians still needed to be dealt with. He paid tribute to the work of the United Nations Department of Humanitarian Affairs, particularly in convening the International Conference on Mine Clearance in July 1995, and to the work of non-governmental organizations like the Halo Trust and the Mines Advisory Group. The International Committee of the Red Cross and other organizations were working tirelessly to support landmine victims. Assistance in demining would undoubtedly remain a high priority for many years to come. Since 1991 the United Kingdom had contributed some £15.9 million to demining operations, concentrating on some of the worst affected countries. Experts from the United Kingdom had worked on mine-clearance projects and on training local personnel to take on the task themselves. His Government would continue to give sympathetic consideration to requests for assistance of that kind.

18. Ms. BEŠKER (Croatia) said that her country did not produce landmines or booby-traps, but had been plagued by them as a result of the war launched by Serbia/Montenegro in 1991. Both for that specific reason, and on principle, Croatia had participated in the work of the Group of Governmental Experts from the beginning.

19. Almost 2.5 million mines had been planted in Croatia over an area of 300,000 hectares. Special army units and civil defence personnel had been working continuously to clear them. They had removed over 200,000 mines and unexploded munitions at barracks of the former Yugoslav National Army, airfields, areas of combat operations, zones of separation and many other accessible areas. Casualties had been many, especially because Croatia lacked modern equipment and technology. The work that remained to be done was 10 times greater than that already done, and her country would therefore have to rely heavily on technical cooperation and assistance through the United Nations, other international bodies and individual countries. Croatia also needed assistance in identifying how mine-clearance programmes could best be implemented. Once peace was restored, civil authorities and specialized companies, together with the Ministry of Reconstruction and Development, should take over responsibility for completing that work.

20. Apart from the danger posed by the minefields in Croatia to the security and lives of the people, their clearance also took a heavy toll on an economy already overburdened by the costs of post-war reconstruction and rehabilitation. The cost of the national mine-clearance programme, according to current estimates, amounted to US$ 300 million over several years, for which Croatia would have to seek international assistance. She therefore appealed to donor countries to step up their support to the Voluntary Trust Fund launched by the United Nations Secretary-General. The funds collected so far would not cover the costs of clearing one fifth of the mines in Croatia alone.

21. Ultimately, a stable peace in all Croatia and the region was necessary to enable full concentration on organizing post-war mine clearance. It was the precondition for the safe return of displaced persons and refugees, and hence the first priority in the reconstruction of war-ravaged parts of the country. The draft mine clearance programme also covered the 4.6 per cent of Croatia's territory which was still under occupation and the subject of negotiations within the internationally sponsored peace process.

22. Against that background, Croatia strongly supported the revision of Protocol II to strengthen its authority, broaden its scope and secure the adherence of many other countries. In that respect, she welcomed the emerging consensus on a number of important issues, some of which were particularly important for her country. First, Croatia strongly supported the extension of the scope of both the Convention and Protocol II to cover conflicts of a non-international character. Second, Croatia favoured the ban on anti-personnel landmines which were not easily detectable and on remotely-delivered mines which were not self-destructive or self-neutralizing. Third, her Government would favour a prohibition on the use, development, manufacture, stockpiling and transfer of anti-personnel mines and booby-traps. However, since there appeared to be no consensus on that for the time being, Croatia supported the strengthening of the technical parts of the Protocol on prohibitions and restrictions, as well as on recording and detectability, the establishment of a verification and enforcement regime, and strengthened international technological cooperation and assistance in mine clearance.

23. She supported the proposal put forward by Austria for a Protocol IV on Blinding Weapons. The employment of laser beams as a method of warfare should be prohibited and an appropriate instrument added to the body of humanitarian law.

24. Mr. LI Changhe (China) observed that since the emergence of international law, Governments and jurists had paid increasing attention to ways of regulating acts of war between States in legal form. Such precepts as that the belligerents' right to select means and methods of warfare was not unlimited and that the use of weapons which might cause unnecessary suffering was prohibited had become basic principles of international law. As a concrete reflection of those principles, the CCW Convention would continue to play an essential role in reducing the cruelty of wars.

25. China had been amongst the first States to sign and ratify the CCW. It had faithfully fulfilled its obligations under the Convention and made enormous efforts towards realizing its objectives. The Chinese Government had publicized the Convention extensively among its military forces, and the military had sponsored many seminars on the Convention together with interested Chinese and foreign institutions. Chinese troops strictly abided by the Convention in their military activities. No violation had ever occurred. In their plans for weapon development, the Chinese military had taken the Convention fully into consideration. The Chinese Government had carried out large-scale mine-clearance campaigns to protect the civilian population. It had also engaged in international cooperation in mine clearance and provided assistance to other countries affected by landmines, supplying them with mine detectors free of charge and helping them train mine clearers.

26. In spite of the recent detente, about 100 million mines left over from past wars still threatened the lives and property of innocent civilians. The present Conference, convened against that background, provided an opportunity to improve and strengthen the Convention and its Protocols in two respects. First, their universality could be enhanced. No matter how comprehensive a law was, it could not be fully effective if it was not observed universally. China thus welcomed the recent accession of a number of countries to the Convention and its Protocols. The fact remained, however, that there were still only 49 States parties — less than one third of the international community. Of particular concern was the fact that many countries still at war or with uncleared minefields had not yet acceded to those instruments — a state of affairs that seriously undermined their effectiveness. It was thus a priority to encourage more countries to accede to the Convention and its Protocols.

27. The other main task of the Conference was to make the provisions of those instruments more rational and more effective. All rules pertaining to the means and methods of warfare were the products of a balance and compromise between legitimate military needs and humanitarian considerations. Given the number of innocent civilians injured as a result of the indiscriminate use of landmines, it was necessary to revise Protocol II, imposing further restrictions on their use. It must not, however, be forgotten that mines were also effective defensive weapons, enabling countries to resist foreign aggression. All States had a legitimate right to use mines to oppose foreign aggressors. Both humanitarian ideals and legitimate military needs must thus be taken into consideration when revising Protocol II.

28. He wished to explain the main positions of the Chinese Government regarding the revision of that Protocol. First, given the risk of injuries to the civilian population, China favoured expanding its scope to include domestic armed conflicts. However, in order to avoid adverse legal consequences, the Protocol should make it clear what was meant by "non-international armed conflicts" and should stipulate that the expansion of its scope should not change the legal status of the parties to a conflict

or of the disputed territories involved. It should also provide that the Convention should be legally binding on all parties to domestic armed conflicts on the territory of a State party.

29. Secondly, China supported the marking of minefields and mined areas with uniform signs, and the standardization of the records of minefields, with a view to minimizing civilian casualties. However, three principles should be observed in that regard: international marks and records of minefields should not undermine a State's right to self-defence; States parties should be allowed to determine the use of international marks in the light of their specific self-defence environments; and a State party should have the right not to make public the records of mines placed within its territory for the purpose of self-defence.

30. Thirdly, the revision of Protocol II, which was aimed at reducing civilian casualties, should not undermine States parties' self-defence capabilities and should take into account their varying scientific and technological capacities. Those should be the guiding principles in consideration of the types of mines to be prohibited and the criteria for detectability and the reliability of self-destruction mechanisms.

31. Fourthly, countries plagued by landmines generally had war-damaged economies. The international community was duty bound to provide those countries with assistance, first and foremost in connection with mine clearance. His delegation favoured including a provision on that question in the Protocol. Furthermore, since it would contain some technical criteria, there should also be provisions on the promotion of technical cooperation and assistance for its implementation, aimed at helping States parties with less advanced technical capabilities to fulfil their obligations.

32. Fifthly, verification of the Protocol had been a controversial issue at the meetings of the Group of Governmental Experts. The most practical approach for the present would be to formulate transparency measures rather than a complex and intrusive verification mechanism. It would be of little use to set up a verification mechanism while many countries suffering from the indiscriminate use of mines were still not parties to the Convention and its Protocols. Furthermore, an intrusive verification mechanism, and the financial burden it would entail, might discourage States not parties from acceding to those instruments.

33. Sixthly, since the Convention and its Protocols fell largely within the framework of the laws of war and humanitarian laws, they should, strictly speaking, deal only with the use of weapons, and not with their transfer. However, in the interests of reducing the threat to civilians, his delegation could agree to the inclusion of provisions banning the transfer of mines the use of which was prohibited by the Protocol.

34. Finally, he wished to point out that the Chinese text of the Convention and its Protocols was imprecise in many places, and differed from the English text in some of its provisions. When signing the Convention, the Chinese

Government had made a reservation on that question, hoping that the issue could be resolved shortly. The present Conference would provide a good opportunity to deal with that matter.

35. Mr. KRYLOV (Russian Federation) said that the most topical issue facing the Conference was the problem of landmines. Russians understood only too well the suffering caused by landmines in many parts of the world, for, in spite of the clearance efforts undertaken since 1945, thousands of Russian citizens had been killed or injured by mines laid during the Second World War. The Russian Federation actively supported the international community's efforts to impose strict limitations on the use of mines, and in August 1993 President Yeltsin had proposed a humanitarian initiative to that effect. Pursuant to that initiative, at the end of 1994 the Russian Federation had declared a three-year moratorium on the export of anti-personnel mines. Similar measures had been adopted by a number of other States, which would make it possible to limit significantly the proliferation of weapons having indiscriminate effects.

36. However, the export of mines was only one aspect of the issue. It was also important to address the question of controls over the use of such weapons. Broadly speaking, the new draft version of Protocol II prepared by the Group of Governmental Experts was an acceptable basis for further consideration during the Conference. The proposal to extend the Protocol to non-international conflicts was a step in the right direction; such conflicts should logically be covered by the Convention as a whole. The ideas taking shape in the new draft, particularly with regard to the prohibition of non-detectable mines and restrictions on the use of non-self-destructing ones, would help to make military activities in that sphere more humane.

37. His delegation also noted with interest the proposals aimed at establishing an adequate legal framework governing the development, production, stockpiling and transfer of mines and considered the proposal to ban the transfer of mines to non-governmental entities fully justifiable. The proposal to ban transfers of mines to States not parties to the Protocol which failed to comply with its requirements was also well founded. The time had come to establish an international regime under which problems concerning the transfer of mines could be solved in a civilized fashion.

38. The draft articles intended to establish additional protection for United Nations missions operating pursuant to Chapter VIII of the Charter and for other humanitarian organizations performing their duties with the consent of all parties to a conflict were also realistic. Technological cooperation and assistance in mine-clearing operations should take place within the framework of international mine-clearance programmes developed under the aegis of the United Nations; there was no need to establish any rigid international machinery for the purpose. The validity of that approach had been confirmed at the International Meeting on Mine Clearance held in Geneva in July 1995.

39. Compliance by States with their obligations was the crucial component of all humanitarian law; and a lack of effective international control was the main adverse factor in that regard. Naturally, some flexibility was required: if it was to become universal, the control mechanism must not frighten off potential participants, and a balance must be struck between the interests of different groups of States. That would not be easy. A cautious, step-by-step approach was needed in order to achieve positive progress towards an effective, universally acceptable regime of international control in that area. The proposal made by the Russian representatives in the Group of Governmental Experts, to create a Commission of member States that would meet regularly to consider reports on implementation of the Protocol's provisions, was consistent with that approach. However, his delegation was ready to discuss other constructive proposals on that set of issues.

40. His delegation was also ready to examine proposals aimed at extending the scope of the 1980 Convention to cover, first and foremost, all those situations in which there was a heightened risk that weapons with indiscriminate effects or inflicting excessive injuries might be used. A case in point was the new Protocol prohibiting the use of blinding laser weapons. The Convention had stood the test of time, but it must also be adaptable to change. It thus seemed appropriate to consider the possibility of establishing a mechanism that would enable parties to the Convention to keep the issue of revising and improving international prohibitions and restrictions on “inhumane” weapons constantly under review.

41. Mr. VIEGAS (Observer for Brazil) said that, following the ratification of the Convention by the Brazilian Congress in August 1995, Brazil would very shortly be able to deposit its instrument of ratification and would thus be participating in the meetings as a full party to the Convention.

42. Brazil was proud to belong to the most peaceful and least militarized region of the world, and to be one of the countries with the lowest proportion of its gross domestic product devoted to military expenditure. It had lived in a state of permanent peace and cooperation with all its 10 neighbours for over 100 years. Its borders were among the world's most stable areas, both politically and militarily. It neither posed nor suffered threats of any kind. It was thus in a position to join in the efforts of all those who favoured strengthening and updating the 1980 Convention in order to make it an effective instrument in curbing the cruel effects of the use and abuse of excessively injurious weapons such as anti-personnel mines. Since 1989 Brazil had not produced or exported a single landmine.

43. In striving to produce a text that would be an effective instrument for achieving its goals, the Conference should adhere strictly to the principles of international law, especially those contained in the Charter of the United Nations, and should bear in mind that the matters under consideration also had military implications. While keeping in mind the ideal of a world totally free of excessively injurious weapons, it should set itself a series of partial, specific commitments that would lead to further progress along the road upon which it had embarked. Concrete results in a number of areas

were already within reach: for example, the adoption of a total ban on undetectable anti-personnel mines; agreement on extending the application of Protocol II to non-international conflicts; prohibition of exports of anti-personnel mines to any country not a party to the Convention; adoption of suitable mechanisms for follow-up and verification of implementation of the Convention; strengthening of norms with a view to preventing, effectively restricting and, ideally, eliminating all undue use and all forms of abuse of anti-personnel mines; imposition of limits on the proliferation and irresponsible use of mines; effective control of production, transfer and use of landmines by States parties; and adoption of measures to prevent and prohibit the production and use of blinding laser weapons.

44. Brazil welcomed the proposed measures to prohibit the production and use of blinding laser weapons. Quite apart from the debatable efficacy of such weapons, their use was unacceptable to civilized nations in any circumstances. Self-destructing, self-neutralizing mines had been proposed as preferable to ordinary anti-personnel mines. If the use of such mines was to become a feasible alternative worldwide, practical means must be devised of ensuring that the appropriate technology was transferred to the production facilities.

45. Even before becoming a party to the Convention, Brazil had contributed to efforts to avoid the deplorable results of the proliferation of landmines. Brazilian military personnel had conducted mine-clearance operations in Nicaragua, Honduras and Surinam under the aegis of the Organization of American States. Brazilian troops had also participated or were participating in peace-keeping operations in Angola and Mozambique and had enabled landmine clearance personnel to fulfil their difficult missions. His delegation was ready to participate in the work of the Conference to further curb the use of excessively injurious weapons.

46. Mr. ROSU (Observer for Romania) fully endorsed the views expressed by the representative of Spain on behalf of the European Union.

47. During the past three decades the use of landmines had grown rapidly, and it was likely to continue to do so in the future if not subjected to new controls and restraints. Anti-personnel landmines were unique in causing terrible physical injuries after conflicts had ended. They were regularly used indiscriminately and directly against civilians. Even greater humanitarian problems were raised by the newer mines made almost entirely of plastic, those with anti-handling devices and those designed to be remotely delivered. Landmines had become a daily threat to the United Nations peacekeeping forces in recent years and held back the achievement of peace.

48. His Government had fully participated in the international efforts made during recent years to address the problem and had given considerable attention to the present efforts to strengthen the CCW Convention so as to provide better protection for civilians. Romania had ratified the Convention and its three Protocols on 24 May 1995. It had welcomed resolution 49/75 D adopted by the United Nations General Assembly on the export of anti-personnel landmines and on 1 July 1995 had announced a moratorium of one year on such

export. It had also joined in the efforts made by a number of countries to discuss possible means of strengthening the Convention and in that connection endorsed the United States/United Kingdom proposal to establish an anti-personnel landmine control programme.

49. It had also played an active part in mine clearance, co-sponsoring the resolution on that subject submitted to the United Nations General Assembly at its forty-ninth session and supporting the establishment of the Department of Humanitarian Affairs and the Voluntary Trust Fund for Mine Clearing Activities. It had undertaken to cooperate with all concerned to solve the global problem of uncleared landmines.

50. A comprehensive, integrated approach to regulating the production, transfer and use of landmines involved a wide range of political, legal, economic, social, technical and military factors. The proliferation of anti-personnel mines was facilitated by the fact that they were easy to obtain, simple to use, and almost undetectable. Many of the proposals contained in the Chairman's rolling text would, if adopted, represent important steps towards preventing further proliferation and use of such mines. For instance, it was unfortunate that many countries that were significant from the standpoints of humanitarian law and arms control were not yet parties to the Convention. The first essential objective of the Review Conference must be to find new ways, including positive incentives, for promoting universal or near-universal adherence to the Convention. A further priority for most States parties was an extension of the scope of application of Protocol II to include conflicts of a non-international character.

51. Romania supported far-reaching restrictions on anti-personnel mines without self-destructing or self-neutralizing mechanisms, with due regard for every country's right of self-defence. Those measures might include the obligation to mark, fence and monitor such minefields and to clear them before leaving. It also advocated a ban on all anti-personnel landmines that were not readily detectable. On the question of verification, States parties should act in a spirit of compromise in order to set up effective verification measures comprising, *inter alia*, a verification commission and a fact-finding mechanism. The verification system might be complemented by transparency measures. Romania favoured the exercise of self-restraint in international transfers of landmines and the inclusion in Protocol II of restrictions and prohibitions on transfers. Lastly, it favoured a significant broadening of the scope of technological cooperation and the development of new technologies in mine detection and mine clearance. A coordinated effort on the part of the entire international community, including the United Nations, other multilateral organizations and non-governmental organizations, was required if the scourge of anti-personnel landmines was to be eliminated. The Review Conference provided a unique opportunity to reassert and to strengthen humanitarian norms in that field.

52. *The PRESIDENT* informed the Conference that Mr. Hansen, Under-Secretary-General for Humanitarian Affairs, and Ms. Machel, Chairperson of the United Nations Study on the Impact of Armed Conflict on

Children, were unable to attend the Conference and deliver the statements they had prepared for it in person. Those statements and an informal policy paper drawn up by the Department of Humanitarian Affairs had been distributed to all participants.

53. Mr. MORALES (Cuba) said that the indiscriminate and often irresponsible use of landmines caused untold suffering to innocent civilians who happened to be on the scene of armed conflicts. No continent had been spared their effects, although Latin America had been affected to a much lesser extent than other regions. Information provided by UNICEF showed that there were at present 100 million anti-personnel landmines in over 60 countries and that another 100 million such mines were available. It was reckoned that there was one anti-personnel landmine for every group of 20 children, that no less than 10 million such mines were produced every year and that the number of men, women and children who had been killed or injured by such mines amounted to one million, according to conservative estimates. In Africa over 20 million anti-personnel landmines had been laid in 10 countries. As many as 24 landmine casualties were recorded in Angola every day. In Cambodia there were about 35,000 amputees, or one for every 230 inhabitants.

54. Cuba had been compelled, against its will and with the sole objective of ensuring its security, to mine the entire area bordering the naval base of Guantanamo, the only base in the world maintained by force against the will of the local Government and people. The Government had been obliged to take strict security measures to protect the civilian population in the area, which prevented it from using the land for more useful purposes. In spite of all those measures, the pursuance of a hostile and aggressive policy by the United States had led to a situation in which some irresponsible Cuban citizens and some members of the armed forces going to their assistance had been killed or wounded by landmines in the area. The Government of Cuba would naturally clear the whole area of mines following the total withdrawal of the United States from the base.

55. It could be seen from a study of recent armed conflicts in the third world that the countries involved were not usually producers of mines, and it would seem useful to ask in that case how the forces involved in those conflicts had acquired such mines. According to data published by the United Nations, 24 countries of Europe and other developed areas of the world produced some 220 different models of anti-personnel landmines, the United States being the main producer of different models of mines in the world. Many of those countries, apart from those which had declared a moratorium, were major exporters of that weapon. Unfortunately, the same could be said of some countries in the third world.

56. Cuba produced mines for the sole purpose of using them in the defence of its territory. In no circumstances would it use them in any other type of conflict.

57. The main features of its policy on anti-personnel landmines were as follows. First of all, Cuba was ready to accept a total ban on the export of all types of mines to other States, whether or not they were parties to the Convention and its Protocol II. It was ready to prohibit the production of non-detectable anti-personnel landmines and those equipped with an anti-handling mechanism. It was ready to prohibit the use of remotely delivered mines or to limit their use to mines equipped with self-destructing or self-deactivating mechanisms which would neutralize themselves no later than 30 days after being launched. It was prepared to ban the use of that type of mine against enemy territory and accept its use only when strict measures of identification of the area mined were available. It was ready to prohibit the use of landmines in internal conflicts by all parties concerned. It would join in a consensus to set up a verification commission to study specific cases of violations of the obligations undertaken by States parties brought before it by any State party, under conditions which were clearly set out in a working document prepared by Cuba.

58. Cuba had never exported any type of mines. It hoped that other countries would adopt the same position and not place commercial interests above humanitarian interests. It was ready to consider any measure likely to promote international cooperation with regard to mine clearance and to the transfer of technology, equipment, experts and scientific and technological information. International cooperation among States parties would provide a most important incentive encouraging other States to accede to the Convention.

59. Cuba had decided to take part in the work of the present Conference with the firm intention of adopting all necessary measures reflecting the interests of the international community while at the same time taking into account its own security interests in the face of the aggression to which it was constantly subjected.

60. His country was ready to consider and adopt an additional Protocol prohibiting the use of blinding laser weapons.

61. Mr. MATHESON (United States of America) said that his country welcomed the opportunity to attend the present Conference as a full party to the Convention, which it had ratified in March 1995. It hoped that the Conference would succeed in broadening and strengthening the Convention, particularly Protocol II, so as to offer greater protection to civilians involved in areas of armed conflict.

62. The humanitarian crisis created by the indiscriminate use of landmines in many areas must be the central focus of the Conference. The international community should take vigorous action to deal with all aspects of that crisis, the final goal being the elimination of anti-personnel landmines, including a ban on their use, production, stockpiling and transfer, recognizing that States could most effectively move towards that goal as viable alternatives which significantly reduced risks for civilians were developed.

63. The first step should be a substantial revision of the Protocol on landmines. If the restrictions contained in the Protocol had been observed during the past two decades, there would have been considerably fewer civilian casualties. Unfortunately, however, most of the States involved in those conflicts were not parties to the Convention, which in addition did not cover internal armed conflicts, where most of those casualties occurred. As a result, large numbers of mines had been laid without proper marking and recording and they had often been used for the specific purpose of causing civilian casualties.

64. The United States intended to press for various provisions to be included in the current Protocol on landmines. Firstly, the Protocol should be expanded to cover internal armed conflicts and times of peace.

65. Secondly, all remotely-delivered mines should be equipped with self-destructing devices and back-up self-deactivating features to ensure that they did not detonate even if the self-destructing mechanism failed.

66. Thirdly, any anti-personnel landmines without such features should be used only within controlled, marked and monitored minefields. The minefields should be protected by fencing or other safeguards to ensure the exclusion of civilians. They should not be abandoned, otherwise than as a result of enemy action, unless they were cleared or were turned over to another State which had undertaken to maintain the same protection. Self-destructing devices should have a maximum life span of 30 days from the date of emplacement and self-deactivating features should have a maximum lifespan of 120 days.

67. Fourthly, all mines should be detectable with readily available technology so as to lighten the burdens and risks of demining.

68. Fifthly, the party laying mines should assume responsibility for them, including the obligation to clear them or to maintain them in controlled fields, so as to protect civilians after hostilities had ended.

69. Sixthly, an effective verification mechanism should be set up, including provision for fact-finding inspections when credible reports of violations had been made. If violations were found to have occurred, there should be a possibility of referring the matter to the United Nations Security Council for action and of individual criminal liability for persons who wilfully or wantonly put the civilian population in danger.

70. Finally, the United States proposed the creation of a mechanism for more frequent consideration of the Protocol on landmines and for an exchange of views on all aspects of the landmine issue.

71. In addition to the main problem of the use of landmines, a number of States had expressed concern about the use of blinding laser weapons on the battlefield. The United States had not at first wished the Conference to discuss any issue other than that of landmines, but, in view of the widespread wish for a Protocol on laser weapons, it had reviewed its position and now

supported the preparation of a new Protocol prohibiting the use of lasers specifically designed to cause permanent blindness of unenhanced vision. It would not, however, be able to accept restrictions on the use of lasers designed for other purposes such as targeting, range-finding or countering optical or electro-optical devices.

72. Mr. CAFLISCH (Switzerland) said that as the depositary of the Geneva Conventions and their Additional Protocols, Switzerland fully supported the development of international humanitarian law. It accordingly attached the utmost importance to the CCW Convention and believed that every effort should be made to promote full observance of it. Switzerland had been one of the first States to ratify the Convention and its Protocols, but it had been able to do so because of the revision mechanism provided for in article 8. Those texts were not satisfactory in every respect and their implementation had not come up to expectations. His country had thus been one of those which had called for a review conference to be convened. The present Conference was the first in what should be a continuing process.

73. At the Conference Switzerland would place the main emphasis on humanitarian considerations. The mere fact that weapons caused excessive suffering, loss and destruction was sufficient reason to ban or limit their use. The humanitarian motive could and should prevail over all military and strategic considerations. Nobody had ever lost a war by remaining human, and the parties to an armed conflict did not have an unlimited right to choose any method of warfare. The use of arms which would excessively increase the suffering of disabled adversaries or would make death inevitable was prohibited.

74. Those principles were not contested, and it was therefore to be hoped that the Conference would succeed in drawing up rules that would improve the Convention and its three Protocols. Switzerland was particularly interested in the proposal to create a new Protocol to ban the use of blinding weapons. It would also be submitting a proposal on small arms and munitions to the Conference. But priority must be given to the revision of Protocol II. The recent International Meeting on Mine Clearance had sensitized public opinion to the problems raised by the chaotic dissemination of 100 million landmines.

75. Switzerland considered that a revision of the existing instruments should include the following features: extension of the sphere of application of Protocol II, and possibly of the Convention, to non-international armed conflicts and to times of peace; prohibition of the manufacture, stockpiling, transfer and use of non-detectable mines and of anti-personnel landmines not equipped with a self-destructing or self-neutralizing mechanism; prohibition of the remote delivery of mines not equipped with self-destructing or self-neutralizing mechanisms; strengthening of the requirements concerning the marking and recording of minefields and the publicizing of their location; and finally, the establishment of a compulsory international verification mechanism. Any finding by such a mechanism that the provisions of Protocol II had been violated should carry consequences for the States responsible and require them to put a stop to such violations.

76. Such a revision of the Protocol would not, however, do much to solve the mine problem unless the new text was generally applied. At present, only 50 States were parties to Protocol II. The new rules should therefore be acceptable not only to all the States parties but also to the overwhelming majority of members of the international community, and especially the countries which had not yet found it possible to subscribe to the Protocol.

77. Mr. BELASHOV (Ukraine) said that the grim figures for the number of landmines and their victims had already been spelled out several times. Ukraine itself was at present free from landmines, but had suffered immensely from them in the past. It had accordingly attached great importance to the International Meeting on Mine Clearance, held in Geneva in July 1995, where it had expressed its readiness to train foreign deminers, especially those from countries needing to clear landmines produced in the former Soviet Union, and to provide qualified experts for participation in United Nations or bilateral mine-clearance operations, but mine clearance alone was not enough. The proliferation of landmines had to be stopped. Very few mine-infested States produced landmines themselves; over 85 per cent of uncleared landmines had been purchased or transferred from about 40 mine-producing States.

78. In pursuance of United Nations General Assembly resolution 48/75 K of 16 December 1993, Ukraine had imposed a moratorium on the export of anti-personnel landmines of all types, which had come into force on 1 September 1995 for a period of four years. The adoption of similar moratoria by all States capable of producing such weapons would provide an incentive for extending the scope of Protocol II to cover internal conflicts and times of peace. In that regard, Ukraine endorsed the wording of alternative A for article I of Protocol II, since it avoided unnecessary dispute about the international or internal nature of a given conflict by referring to the protection of the civilian population in all circumstances. Ukraine would support the adoption of provisions prohibiting the use of mines and other devices against the civilian population. It also considered that restrictions should be imposed on the use of landmines without self-destructing mechanisms. Since remotely delivered mines could be scattered in large quantities and without risk, it was reasonable to require them to incorporate self-destructing mechanisms. His country also supported the view that booby-traps and other similar devices must be prohibited. He concluded by emphasizing that Ukraine would support other provisions of the Convention, especially the efforts to establish an efficient mechanism for verification and compliance.

79. Mr. Ehrlich (Austria) took the Chair.

80. Mr. PŘÍVRATSKÝ (Czech Republic) said that the Czech Republic fully endorsed the priorities proposed for the Conference by the representatives of Spain on behalf of the European Union and associated countries.

81. The CCW Convention had had little or no impact on the use of anti-personnel landmines in recent conflicts, which had had devastating effects on civilian populations. The mining of water supplies and farmland in

some countries had rendered a return to normal life virtually impossible, and countries once self-sufficient in food had come to depend upon international aid. Uncleared landmines hindered the repatriation of refugees and economic development. Fortunately, the world's attention had been drawn to the urgent need for action. The setting up of a Group of Governmental Experts under United Nations General Assembly resolution 49/79 to prepare the present Review Conference had been a wise decision.

82. The Czech Republic also supported the appeal for national moratoria on the exportation of anti-personnel landmines contained in United Nations General Assembly resolution 48/75 and 49/75 D. It had itself declared a three-year moratorium starting on 5 October 1994 on the export, transfer and sale of anti-personnel landmines. Legal measures had been introduced to enforce the moratorium, which covered all types of anti-personnel landmines and applied to all countries and all commercial transactions.

83. The Czech Republic was fully committed to the Convention and its three annexed Protocols, but recognized the need to address the shortcomings of Protocol II and strengthen the legal basis of the Convention. To achieve that end it would be necessary, in the first place, to extend the scope of the Convention to cover internal conflicts, at present a major weakness, since most recent mine use had occurred in such conflicts. Secondly, all landmines not easily detectable must be prohibited and a worldwide prohibition imposed on the transfer of anti-personnel landmines without a self-destructing mechanism. The elimination of "dumb" mines without self-destructing mechanisms was obviously the common goal, but it would be difficult and costly to achieve The Czech Republic also supported prohibition of the transfer of mines to non-State entities and to States not bound by Protocol II. His country, which used to be a leading manufacturer and exporter of anti-personnel mines, had completely halted its production since 1990 and had not issued a single export licence for such mines since 1989. The third priority was to establish the principle that those using mines were responsible for their removal. Fourthly, effective implementation and verification mechanisms should be incorporated into the Convention and a verification commission set up to investigate violations of Protocol II. Finally, provisions to ensure the protection of United Nations operations and missions of the International Committee of the Red Cross and other humanitarian organizations should also be included.

84. Although the number of ratifications of the Convention had risen considerably, limited adherence remained its major weakness. The strengthening of Protocol II would not be effective unless it attracted wide support. Consequently, everything should be done to encourage countries, especially mine-stricken developing countries in Asia and Africa, to become parties to the Convention and thus foster its universal nature.

85. In the case of blinding lasers, a problem that had arisen relatively recently, he appealed to the Conference to adopt an additional protocol on the

subject to meet humanitarian concerns, on the understanding that such a protocol would not affect legitimate military use of such weapons. The Czech delegation was fully prepared to contribute to such an additional protocol.

86. Mr. LEMOS (Observer for Colombia) said that although Colombia had not yet acceded to the Convention, it had followed developments with great interest and participated as an observer in the preparation of the Conference. Such involvement was natural, since hundreds of persons in Colombia had fallen victims to the criminal use of weapons that the Convention was seeking to prohibit or restrict. Colombia neither manufactured nor used landmines of any type, but they were used by guerilla groups and paramilitary organizations on its territory, causing serious harm to its civilian population. The terrible statistics cited by the Secretary-General of the United Nations showed the need for rapid action to tackle the problem at the root. It was not possible to deal with it simply by replacing one kind of landmine by another. There were no good mines and bad mines: all were barbarous products intended to cause harm. The so-called "solution" of self-destructing mines was an illusion, since they retained their capacity to kill until destroyed, threatening the civilian population who inadvertently crossed the areas where they had been placed. It was even open to question whether the use of any mines conferred an operational advantage on the battlefield.

87. For obvious reasons, Colombia was also very interested in the question of internal conflicts, which were the most common type at present. It hoped that the Conference would find a way to eliminate the use of mines in conflicts between States and dissident armed groups, which often did not consider themselves to be bound by treaties and conventions. Human considerations should prevail over legal technicalities.

88. Colombia also hoped that the Conference would adopt a Protocol prohibiting the use of blinding lasers. The time was appropriate; the production of such weapons was not yet far advanced and quick action would not only save victims, but reduce the risk and costs of an arms race. He was sure that if the Conference took firm action in prohibiting the use of anti-personnel landmines and laser weapons that caused blindness and in extending such prohibitions to internal conflicts, the number of countries adhering to the Convention would increase rapidly. It was not the boldness of the Convention but its timidity that was the stumbling block to adherence by a greater number of countries.

89. Mr. WENDL (Observer for the International Federation of Red Cross and Red Crescent Societies) said that the 163 societies in the International Federation had witnessed an unprecedented increase in the misery and destruction caused by landmines. The present Conference had a rare opportunity to improve the lives of people all over the world in danger of sudden crippling injury. Thousands of innocent people were maimed every year by landmines. Many of the poorest people had to continue farming mined fields and crossing mined areas daily for water and fuel.

90. Landmines maimed for life. After surgery and the fitting of artificial limbs, the psychological trauma of the victims took years to heal. Their productive capacity dropped sharply, leading to much lower incomes, and hence poorer health and less education and poorer prospects for the next generation. One explosion from a small 10-dollar device directly affected the lives of many people.

91. For such people self-neutralizing and detectable mines were no solution. Failure rates would never reach acceptable levels. People needed absolute certainty that the ground was safe. Even in the case of self-destructing mines, people would never be sure that the way was clear. The International Federation was firmly convinced that the only answer lay in an outright ban on the production, stockpiling, transfer and use of landmines, applicable to both internal and international conflicts, and it therefore supported the extension of the Convention to cover non-international armed conflicts as the first step towards a total ban.

92. But a total ban would not eliminate the hundred million mines already in place. They would remain until they exploded or were painstakingly and expensively removed. Most mines lay on land where war had been followed by poverty and famine, on land that relief operations had to cross in order to provide basic welfare services to survivors. The International Federation played a key role in providing such services.

93. Although landmines constituted the most urgent issue, the International Federation was also, like the International Committee of the Red Cross, deeply concerned about the rapidly escalating trade in and use of all forms of small arms and did not wish the list of easily available weapons to be extended.

94. The Conference would have it in its power to ban the use of landmines and to ensure that laser weapons were never used. Many States, interstate organizations and NGOs were already committed to such a course. It would be the choice of those taking part in the Conference either to act in the spirit of humanity, or by compromising, to condemn thousands of innocent civilians to pain and misery.

The meeting rose at 1.10 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.5
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SUMMARY RECORD OF THE 5th MEETING

Held at the Austria Center Vienna,
on Wednesday, 27 September 1995, at 3 p.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

GENERAL EXCHANGE OF VIEWS (continued)

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The meeting was called to order at 3.35 p.m.

GENERAL EXCHANGE OF VIEWS (continued)

1. Mr. TOTH (Hungary) said that Hungary shared the concern at the enormous global problem caused by the irresponsible and indiscriminate use of anti-personnel landmines. It had itself ceased to manufacture or export such mines over 20 years earlier. It advocated urgent international efforts to address the issue and was willing, within the limits of its capacity, to contribute actively to those efforts. At the International Meeting on Mine Clearance, held at Geneva in July, his Government had outlined proposals for participating in the United Nations mine-clearance programme. It also fully supported the anti-personnel landmine control programme launched jointly by the United Kingdom and the United States of America, and in June had hosted the first meeting of participating States. It hoped that the programme would be a useful tool in strengthening the Convention by regulating the production, stockpiling and transfer of anti-personnel mines.

2. Hungary noted with regret the slow pace of ratification of the Convention, which seriously hampered its effectiveness. It hoped that the recent increase in the number of ratifications would continue and that the broadening of the Convention to cover new aspects of the mines problem would bring about a fundamental change in the attitude of many States that were not yet parties.

3. In the light of the experience of recent decades, Hungary attached special importance to extending the scope of Protocol II to conflicts of a non-international character.

4. His delegation supported the proposals aimed at prohibiting or further restricting the use of certain categories of anti-personnel landmines which represented the most danger to civilians. It especially welcomed those amendments that successfully combined humanitarian and legitimate defence requirements. The proposed ban on the transfer of any weapon whose use was prohibited in all circumstances was a logical step.

5. In the light of the current trend towards expanding the role of regional arrangements under Chapter VIII of the Charter of the United Nations, his delegation strongly supported the extension of the scope of article 8 of Protocol II.

6. Verification and compliance measures were designed to deter potential violators and to make evasion of the provisions of Protocol II more difficult. They should also help stigmatize those who were in breach of their commitments. For such purposes, Hungary advocated the creation of an appropriate institutional framework capable of providing credible information on implementation.

7. With regard to the proposal for a new protocol aimed at bringing the obligations under the rules of warfare into line with progress in military technology over recent decades, Hungary welcomed the emerging consensus on the prohibition of laser weapons specifically designed to cause blindness, and supported the adoption of a new international instrument to that end.

8. Mr. NASSERI (Observer for Islamic Republic of Iran) said that Iran had been one of the few non-European countries involved in drawing up the St. Petersburg Declaration of 1868. Since then, the principle that the use of excessively injurious weapons with indiscriminate effects was prohibited had won general acceptance. Every month, however, landmines killed 800 people and maimed more than a thousand. The Convention had thus been effective only to a limited extent, and the Conference should identify the reasons and devise methods to remedy the situation. One factor might be the lack of a verification mechanism. But the main point was that the countries most affected by landmines had not acceded to the Convention: only three countries had done so in Africa, eight in Asia and five in Latin America and the Caribbean. That pointed to the need to create incentives for accession by all countries.

9. United Nations activities with regard to mine clearance were welcome though inadequate to deal with a situation where mines were being laid many times faster than they could be cleared. Mine clearance was expensive and placed a tremendous burden on developing countries. It was hampered by the use of outdated methods and by the absence of research into more advanced technologies and failure to transfer them to the developing countries. Developed countries should have an obligation to provide the countries in need with expertise and financial resources. The Organization itself should be more involved in management, long-term planning and the coordination of research. It should be empowered to ensure that no restrictions were applied by any State on access to technology. Export control regimes, if found to be necessary, should be discussed in a transparent manner. The United Nations should be provided with the necessary financial resources to perform its task.

10. Since mines, unlike weapons of mass destruction, did not constitute a direct threat to the security of other States, the Conference should not feel compelled to elaborate complex and intrusive verification mechanisms, such as those provided for in the conventions on chemical and biological weapons. To do so might discourage countries from acceding to the Convention. It would, however, be reasonable to contemplate a mechanism for clarification and consultation through the Depositary.

11. The best guarantee for implementation of the Convention would be the commitment of States to protect their own civilians against injury and death caused by mines. The Conference should recommend the marking, fencing and guarding of minefields. It should call for a ban on the use of undetectable mines and provide that future mines should be self-destructing and self-neutralizing, thus reducing the financial and human costs of clearance.

12. He supported the proposal for the adoption of a fourth protocol to ban blinding laser weapons. He was also in favour of a mechanism for the provision of periodical reports to the United Nations on national measures for implementation of the Convention.

13. While total elimination of mines backed by a comprehensive verification mechanism was the ideal, it did not seem to be realistic at the current stage. The prime objective for the present should be to try to achieve universality, which would require unimpeded access to material, equipment and technology and a pragmatic approach to extending the provisions of the Convention.

14. Mr. KHALIL (Tunisia) said that the Conference should take advantage of the new impetus given to the disarmament process by the ending of East-West confrontation. The Conference illustrated the importance of disarmament and arms control as a means of promoting scrupulous respect for international humanitarian law and thus furthering the cause of international peace and security. It was being held shortly after the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons and before the expected adoption of a complete ban on nuclear weapon tests, a fundamental step towards general and complete disarmament, particularly with regard to weapons of mass destruction.

15. Tunisia's accession to the Convention was based on its history, its geopolitical position and its continuous efforts to promote peace and stability throughout the world. It therefore welcomed the convening of the Review Conference as an opportunity to bring the provisions of the Convention up to date, striking a balance between military needs and humanitarian imperatives, and to secure wider accession to it.

16. He commended the Group of Governmental Experts for its work on the scope of the Convention, the detectability of all anti-personnel mines and the need to incorporate a self-destructing mechanism in anti-personnel mines. Although the international community had become more aware of the humanitarian crisis caused by landmines, however, the problem was far from being solved. It was necessary to prevent further proliferation of such weapons, ban their indiscriminate use and make adequate provision for clearance. Mines were a major obstacle to the return of refugees and the resumption of productive social activity in the areas affected. Financial and technical assistance should therefore be provided for the establishment of global programmes for demining and the treatment and rehabilitation of victims. The recent International Meeting on Mine Clearance had highlighted urgent needs in that area.

17. The Conference should take steps to prohibit the using of blinding laser weapons.

18. The present meeting represented an important stage in achieving the ultimate objective of the complete elimination of anti-personnel landmines.

Provision should be made for frequent and regular reviews of the Convention in order to ensure its relevance and credibility in the light of future developments.

19. In conclusion, he thanked the non-governmental organizations, particularly the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and UNHCR for their efforts to aid victims.

20. Ms. HASSAN (Pakistan) said it was unfortunate that 12 years after the Convention's entry into force it had been acceded to by so few States. That was the principal deficiency which prevented its rules from being observed on a universal basis and every effort should be made to encourage more accessions.

21. The centrepiece of the Convention was Protocol II, the focus of international efforts to restrict the use of landmines. Their widespread and indiscriminate use, especially in the past 15 years, had created a serious humanitarian problem. Such weapons had caused havoc in Pakistan's neighbour Afghanistan, where millions of mines had been planted indiscriminately and where thousands of civilians had been and were still being maimed by them. Vast areas of Afghanistan had been rendered uninhabitable, and more than a million Afghan refugees were still stranded in Pakistan, unable to return home. Similar problems existed in many other parts of the world, and the immediate priority was for an effective international demining programme. The International Meeting on Mine Clearance, held at Geneva in July 1995, had, however, fallen short of expectations in terms of raising funds for United Nations demining programmes; greater efforts were needed. Pakistan had participated in demining operations in many parts of the world, including Kuwait, and would continue to make its extensive expertise in that field available to others.

22. In addition to undertaking clearance operations, it was necessary to prevent the dissemination of landmines to areas where they might be used in utter disregard for humanitarian law. Careful consideration needed to be given to the question of whether the landmines Protocol would provide a solution to that problem, or whether a well-focused multilateral effort would be the more feasible option.

23. Pakistan supported the extension of the scope of Protocol II to conflicts of a non-international character, which would be in keeping with the demands of international humanitarian and relief agencies. The language of the amended article should, however, be clear and concise, and leave no loopholes. Pakistan also supported efforts to devise an appropriate mechanism to promote confidence in compliance with the provisions of the Protocol and was prepared to discuss proposals and support the establishment of such institutional arrangements as were consistent with the requirements of the Protocol and with existing models under humanitarian law.

24. The proposal for an additional protocol on blinding laser weapons was a timely one, and Pakistan would also recommend that the Review Conference take an appropriate decision regarding the problem of unexploded ammunition; there was no reason why unexploded ammunition should not be subject to the same conditions as landmines, since it posed an identical threat.

25. The success of the Review Conference would be judged not merely on the basis of the treaty texts it adopted, but also on the extent to which the rules that already existed were actually being implemented; the international response to recent violations of humanitarian law on a massive scale had been weak, slow and based on political expediency, and only when responses to such situations were uniform and resolute, and clearly distinguished between the victim and the perpetrator, would the moral authority of international instruments be preserved and reinforced.

26. Mr. ARGÜELLO (Observer for Nicaragua) said that his country had for almost 10 years been submerged in a civil war exacerbated by the conflicting interests of the super-Powers, during which his Government estimated that 95,000 anti-personnel and anti-tank mines had been planted in Nicaragua; they included anti-tank mines, anti-personnel mines which mutilated people, mines which jumped in the air and spread shot, booby-traps which could be activated by the tread of a mouse, and Claymore mines which were connected to grenades and spread shrapnel and shot over hundreds of yards. It was impossible for a country to recover economically when extensive parts of its territory had been reduced to unproductive wastelands because of mines. Neither the army nor the irregular forces had kept records of where they had planted them.

27. With the assistance of the Organization of American States and the Inter-American Defence Board, 3,000 mines had been deactivated, eliminating the risk to the civilian population and permitting access to power stations so that the supply could be restored. Nicaragua was grateful to those organizations and to donor countries, but at the present rate of 500 mines per year, it would take 180 years to deactivate all those that remained. Still worse was the situation in Mozambique, with 2 million mines, and in Angola with 9 million. Resources should be made available by mine-producing countries to enable demining operations to proceed in countries where hostilities had come to an end. More finance was required at the beginning of mine clearance, with the need for information activities, the purchase of equipment and the organization of training. In the end, however, the only solution would be a complete prohibition of the use, manufacture, stockpiling, export and transfer of landmines. That should be the objective of the international community, and anything short of it would make the Convention ineffective. The Group of Governmental Experts had done some very important work towards achieving that goal.

28. Nicaragua would soon be ratifying the Convention, but it was even more important that countries which still produced mines should do so. Most of the victims of landmines sustained their injuries as a result of internal conflicts, and that was why it was essential that mine-producing countries

should not restrict themselves to replacing their arsenals with self-destructing mines, but should also attack the illegal traffic in weapons with the same zeal as they seemed able to muster in combating drug trafficking.

29. Monsignor ZENARI (Observer for the Holy See) said that the Pope had issued an appeal that the manufacture and use of anti-personnel mines be discontinued once and for all. The Holy See was convinced that all States parties to the Convention were prepared to take measures to improve international laws regarding the abolition of all types of inhumane weapons. It would urge all participants to do their utmost to achieve a complete ban on all conventional weapons deemed to be excessively injurious or to have indiscriminate effects. That included the earliest possible prohibition of the production and use of such weapons, their trade and transfer, not only in relation to international conflicts but also in relation to non-international conflicts. More than 25,000 people every year became innocent victims of such weapons, and all Governments, especially those of industrialized countries, should allocate additional financial resources to mine clearance and give more consideration to how the victims could be assisted.

30. Mr. FISENKA (Belarus) said that his country was well aware of the pressing need for mine-clearance operations and the particular threat posed by the proliferation of anti-personnel mines. Even in the past 10 years, dozens of Belarusian citizens had fallen victim to explosive devices planted during the Second World War. In order to help limit the effects of such mines on civilians, the President of the Republic had decided to introduce a moratorium on the export of anti-personnel mines as from September 1995.

31. Turning to the purpose of the Review Conference, he agreed on the need for more States parties to accede to the Convention so as to ensure its universal nature. He also expressed support for the broadening of its scope to cover internal conflicts. The main issue at the Conference would be Protocol II, and it would be no easy task to strike a balance between military requirements and protecting the civilian population. A variety of factors would have to be taken into account - political, legal, economic, humanitarian, technical and military. The Conference should be able to identify what could be achieved to avert further catastrophes and create conditions for more countries to accede to the Convention and comply with their obligations under it.

32. As to the specific proposals relating to Protocol II, Belarus was in favour of the creation of an effective verification mechanism, on condition that it entailed the minimum expenditure. An additional provision aimed at preventing civilian access to minefields where non-self-destructing mines had been laid would also be welcome. The inclusion of a provision to restrict the use of remotely-delivered mines would be acceptable, provided that all parties to the Protocol were in agreement. Lastly, further provisions aimed at reducing the risks of the harmful effects of mines on the civilian population ought to be included.

33. With a view to resolving the mine-clearance problem, Belarus would place its scientific, human and material resources at the international community's disposal for the purposes, inter alia, of mine surveying and training of local specialists, using new technologies for the detection, diagnosis and destruction of mines. In turn it hoped to be able to rely on external assistance to resolve its own mine problems.

34. In conclusion, he said Belarus was in favour of prohibiting the use of laser weapons to blind troops in battle and hoped that the relevant proposal would be adopted unanimously.

35. Baron Alain GUILLAUME (Belgium) said that while there was a growing awareness of the problems with which the Convention was concerned, there seemed in some quarters to be a misunderstanding about its purpose. The countries most severely affected by certain conventional weapons had not acceded to it, some seeing it as a manoeuvre that might pose a threat to their security and others as a camouflage for commercial interests. Although the Conference undoubtedly touched upon military and political interests, its purpose was primarily humanitarian. There could be no justification in terms of security for a weapon such as the anti-personnel landmine which was beyond anyone's control and killed indiscriminately long after the conflict was over. Belgians were still being killed by devices left over from the First World War. It must be impressed on countries such as Angola, Cambodia and Mozambique, which had perhaps resigned themselves to living with the scourge, that every effort was being made to bring it to an end.

36. Belgium had set an example for other countries by introducing legislation which prohibited the production and use of anti-personnel landmines in all circumstances, as well as their import and export. As to humanitarian action, Belgian experts had taken part in major demining operations in Iraq, Rwanda, Somalia and the former Yugoslavia, and were currently involved in assistance and training programmes in Cambodia. Belgium's special role in the area had been recognized by the international community, which had elected it to chair the International Meeting on Mine Clearance held in Geneva earlier in the year.

37. By the end of the Conference it ought to be made clear that Protocol II would be applicable in all circumstances whether in international or internal conflicts, whether in peacetime or wartime. It should also be made clear that in future there would be a total ban on the production of non-detectable mines and the use of all anti-personnel mines would be subject to stringent regulations. Likewise, the use and production of laser weapons designed to cause blindness should be prohibited. The remaining task would be to convince the rest of the world that the results of the Conference were for the common good.

38. Mr. CHAUNY (Observer for Peru) said that his Government shared the international community's concern at the increasing use of certain conventional weapons, including anti-personnel landmines, whose devastating effects on the civilian population had been well documented by the

International Committee of the Red Cross. The Review Conference was duty bound to bring an end to the humanitarian crisis caused by such weapons. Peru was particularly concerned about the planting of mines in populated areas by States that were bound by international treaties. Equally serious was the emplacement of mines in the territory of other States, which constituted not only a flagrant violation of international law, but also a prolongation of the illegal incursion of military forces in the territory of another State. Peru had been a victim of such violations.

39. At the International Meeting on Mine Clearance, his country had made two important announcements: its decision to contribute to the Voluntary Trust Fund for Assistance in Mine Clearance and its intention to accede to the CCW Convention.

40. Turning to the aims of the Conference, he expressed firm support for the strengthening of the CCW Convention. Clear regulations should be established making it compulsory for States which laid mines to remove them. At the same time, international cooperation on demining programmes should be stepped up. Manufacturers and exporters should be subject to greater control, including with respect to moratoriums, in view of the increasing availability of cheaper and more accessible devices. Provisions were needed to determine the responsibility of States for injuries suffered by non-combatant victims and for environmental damage. Further requirements included sanctions and a consultation mechanism to deal with grave breaches of the Convention, as well as a mechanism for monitoring compliance with the instrument. The use of non-self-destructing mines and the transfer of mines to non-governmental bodies and States which were not party to Protocol II should be prohibited. However, the complex issue of extending the scope of the Convention to cover internal conflicts warranted further reflection. The exceptional circumstances of many countries that had to deal with terrorist action must be borne in mind.

41. Mr. LORENZO Y LOSADA (Uruguay) said that Uruguay, itself at peace for over a hundred years, had suffered casualties as a result of landmines during its many years of involvement in United Nations peacekeeping operations. While such losses could be accepted as part of its duty in the service of the international community, the injuries caused to innocent civilians by such weapons, on many occasions after the armed conflicts had ceased, were unacceptable.

42. Uruguay accordingly considered it important to strengthen the Convention, and in particular Protocol II. It supported extending the scope of application to non-international armed conflicts and imposing a total ban on the manufacture of undetectable anti-vehicle mines. It also believed that perimeter-marking of areas where non-self-destructing mines were laid should be made compulsory. He reiterated his Government's firm support for requiring the parties to a conflict to undertake mine-clearance operations immediately upon the cessation of hostilities and for making compliance subject to international control.

43. With regard to the proposals concerning a verification commission, Uruguay agreed with the argument in favour of a permanent organ, but was unwilling to support initiatives aimed at establishing new bodies, owing to the duplication of effort and financial costs involved.

44. His Government believed that the Convention should undergo constant review.

45. Regarding the draft text for a new Protocol IV (CCW/CONF.I/1, annex II), Uruguay fully associated itself with the observations made by the President of the International Committee of the Red Cross. A ban on the use of laser weapons which caused blindness was necessary, and States should be called upon to refrain from producing such weapons.

46. Mr. PESCI-BOUREL (Observer for Argentina) said that Argentina shared the international community's concern at the indiscriminate use of certain conventional weapons, which daily caused many casualties across the world. His Government was in the process of ratifying the Convention and, in pursuing its national disarmament and arms limitation policy, had incorporated General Assembly resolution 48/75 D into domestic law, suspending exports, sales and transfers of all types of anti-personnel mines for a period of five years. It had co-sponsored all the related General Assembly resolutions, and had participated as an observer in the four sessions of the Group of Governmental Experts.

47. Argentina believed that the scope of application of the restrictions and prohibitions laid down in the Convention should be extended to include non-international armed conflicts, which constituted situations where civilian populations were most affected by the use of weapons. The prohibitions and restrictions on non-self-destructing or non-self-neutralizing and undetectable anti-personnel landmines were reasonable measures, in view of the effects of such devices when activated and also the difficulties involved in their removal. Verification and transfers were equally important issues and should be included within the scope of Protocol II.

48. With regard to the proposal for a new protocol on blinding weapons, the Conference provided a suitable opportunity for giving consideration to their prohibition, since no international legal instrument existed to regulate the development, manufacture, use and marketing of laser weapons, and protection from their effects was virtually impossible.

49. Sir John WILSON (United Nations Development Programme), speaking on behalf of the International Initiative Against Avoidable Disability promoted by UNDP, UNICEF and WHO, said that recent years had seen revolutionary changes in the technology that could control the causes of disability affecting large numbers of people. Given the political will, it should be possible over the next 15 years to reduce by at least one third the major causes of avoidable disability throughout the developing world. However, that same technology had also been applied for the opposite purpose. The indiscriminate use

of landmines in some countries already rivalled disease as a cause of disability, and laser weapons had now been designed specifically to blind personnel.

50. The moral case for disarmament was unanswerable, but there was also a need for legitimate defence. The difficulty lay in balancing those two imperatives, and that balance had been dramatically revealed in the present debate on blinding laser weapons. He believed that the Conference was close to reaching consensus on banning such weapons. They were abhorrent to the conscience of humanity, and there was now a practical opportunity to ban them before they became part of international arsenals and available to terrorist groups.

The meeting rose at 5.30 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.6
5 October 1995

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SUMMARY RECORD OF THE 6th MEETING

Held at the Austria Center Vienna,
on Thursday, 28 September 1995, at 10 a.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

GENERAL EXCHANGE OF VIEWS (*continued*)

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The meeting was called to order at 10.25 a.m.

GENERAL EXCHANGE OF VIEWS (continued)

1. Mr. ALLEN (Observer for Soldiers of Peace International Association) said that anti-handling devices, commonly known as booby-traps, were the deminer's nightmare. As a mine-clearance instructor, he could vouch for the fact that such devices, which were produced by many countries throughout the world, hampered any effective mine-clearance process. If the present landmine crisis was to be resolved, the Conference would first have to come up with a proper definition of anti-handling devices, and then outlaw them.

2. Ms. WILLIAMS (Observer for the Viet Nam Veterans of America Foundation), speaking on behalf of the non-governmental organizations comprising the International Campaign to Ban Landmines, said that more than 350 non-governmental organizations in 23 countries were working together to ban those indiscriminate and particularly injurious weapons. Their aim had been called utopian; but it was also realistic. Landmines were often regarded as cheap weapons - as soldiers who did not require food, sleep or supervision to carry out their task. Unfortunately, they remained lethal for generations. Their long-term socio-economic cost thus far outweighed their immediate advantages.

3. As non-combatants, non-governmental organizations were also accused of trying to discuss complex military issues that they did not really understand. It was thus worth noting that many of the founders of the organization she represented were themselves veterans of the Viet Nam conflict and that many of them had also been permanently disabled by landmines used in that war. The demands they voiced through the International Campaign to Ban Landmines were not utopian - they were born of painful experience: between 65 and 70 per cent of all United States Marine Corps casualties in Viet Nam in 1965 had been victims of landmines and booby-traps. Despite those chilling figures, despite the fact that landmines were responsible for the majority of the United Nations Protection Force's casualties in Croatia and Bosnia, it was still argued that landmines were needed to protect fighting forces.

4. The International Campaign to Ban Landmines applauded the call by the international community for the eventual elimination of landmines and the political will of countries such as Belgium and France that had unilaterally banned production or trade. Nevertheless, it seemed clear that for many countries the real emphasis was on the word "eventual", not "elimination". Her organization, and the International Campaign, urged delegates to consider the growing body of evidence documenting the immense cost to the international community of the continued use of anti-personnel landmines. If proper account were taken of that cost, it would surely be realized that such weapons ought to be eliminated immediately.

5. Mr. SAHAK (Observer for the Afghan Disabled Society) described how he had lost both legs and one arm as a result of stepping on a landmine. No one who had been spared such an experience could begin to imagine the physical and

psychological pain those weapons inflicted. There were more than 400,000 victims of landmines in Afghanistan, and millions more around the globe. Yet many of the world's most civilized nations were still debating whether those weapons were or were not indiscriminate and excessively injurious and whether the nations that produced and exported them did or did not violate international law and human rights.

6. The 50 per cent of mine victims who survived their ordeal were faced with the well-nigh insurmountable challenge of resuming a productive and independent role in underdeveloped societies that lacked the resources to assist them. It should be remembered, however, that disabled people had abilities and potential; he himself had been able to found the Afghan Disabled Society despite being a triple amputee. The international community ought therefore to give due consideration to the need for total rehabilitation of mine victims worldwide, and particularly in Afghanistan, where more than 10 million landmines had been laid. On behalf of more than 500 million disabled people around the world, whose top priority was the prevention of further disabilities, he also called for a total ban on the production of all types of landmines and the destruction of present stocks.

7. Mr. GOOSE (Observer for the Human Rights Watch Arms Project) said that the Conference had heard laudable statements by many nations in support of a comprehensive ban on anti-personnel landmines. However, few, if any, delegates seemed to believe that the Conference would actually achieve that goal, or even that it was a goal worth seriously pursuing at the present time. The millions of people around the world calling for an immediate, comprehensive ban on anti-personnel landmines were not going to be satisfied with attempts simply to tighten restrictions on certain types of mines. The futility of the approach adopted in the 1980 Convention, which was largely being replicated at the present Conference, was demonstrated by the fact that in the past 15 years some 65 million mines had been laid and had claimed hundreds of thousands of mainly civilian casualties.

8. There was general agreement among non-governmental organizations that, in addition to the proposals in the Chairman's rolling text, there were three measures that would bring the world closer to a total ban on anti-personnel mines: expansion of the scope of the Convention, adoption of verification and compliance mechanisms, and provision for frequent review of the Convention and its Protocols.

9. His organization firmly believed that the Convention and its Protocols should apply in all circumstances; language that was ambiguous or left room for interpretation with regard to the application of regulations on landmines should not be accepted.

10. Regardless of what new restrictions were or were not adopted, it was essential that verification and compliance measures should be agreed upon. The lack of such measures was a fatal shortcoming of the 1980 Convention; and fact-finding missions were a vital component of any meaningful verification scheme.

11. A new provision should be adopted requiring review of the Convention and its Protocols every five years. Such a provision was desirable, first, because the present Review Conference was unlikely to achieve sufficiently significant revisions; and secondly, because the review process itself clearly yielded positive results, in the form of increased governmental awareness of the landmine problem. It was worth noting that the number of parties to the Convention had risen from 36 to 50 during the preparations for the present Conference.

12. While non-governmental organizations strongly supported those three provisions, most were deeply concerned about the proposal many delegates appeared to regard as among the most significant: namely, the requirement for self-destructing mechanisms on remotely-delivered mines and on mines not in marked and monitored areas. That emphasis on self-destructing mines was misguided: when active, such mines had indiscriminate effects, like any other mine. Self-destructing mines were also primarily used in remote-delivery systems capable of dispensing thousands of mines in a matter of minutes, with little precision. An emphasis on self-destructing mines could thus actually lead to an even greater number of mines being laid around the world, in an even more random fashion. There were also serious questions about the reliability of self-destructing mechanisms. Taken together, those factors made it clear that self-destructing mines would continue to pose severe dangers to civilian populations. Moreover, the promotion of such mines legitimized the use of anti-personnel mines. The international community ought instead to create a new international norm to the effect that any use of anti-personnel mines of any kind was unacceptable.

13. Many delegates had spoken of the need to safeguard the "legitimate" use of mines. There was, however, no such thing as "legitimate" use: anti-personnel mines should be considered illegal under existing international humanitarian law because they were inherently indiscriminate and failed to meet the proportionality requirement.

14. It was clear that military considerations continued to dominate policy-making on landmines in most countries. Few if any nations had undertaken a serious examination of their military utility. His organization was convinced that the long-term human and socio-economic costs of mines far outweighed their limited short-term military utility. Legally, morally and economically, there was no alternative to a comprehensive and permanent ban on anti-personnel landmines.

15. Mr. THUN CHANNARETH (Observer for the Jesuit Refugee Service Cambodia) said that he was the father of six children and wanted them to have a future. He wanted them to go to school, to have food and to have peace and justice. Instead, they were faced with landmines laid along the roads and in their rice fields — 9 million landmines for 9 million people. Landmines meant no peace and no justice for the poor. Landmines continued to make Cambodia the land of the killing fields. The people of Cambodia begged the outside world to stop

producing such weapons, and to give money for mine-clearance operations. It was time to stop hurting children in the way the child Song Kosal had been hurt.

16. Ms. SONG KOSAL (Observer for the Jesuit Refugee Service Cambodia) said that she wanted all children everywhere in the world to be able to run, to play and to go to school, without losing their legs, eyes or arms as she had. She called on all children everywhere to tell adults not to make any more mines.

17. Ms. SOK ENG (Observer for the Jesuit Refugee Service Cambodia) thanked the representatives of the international community for listening to the voices of the poor and the voices of children. Landmines led to flows of refugees and displaced persons. For many years she herself had been a refugee living in camps. To flee she had had to cross minefields with her friends and had been the only one not killed or maimed. In the period of repatriation, she had returned to a land infested with mines. In the course of her work with internally displaced persons in north-west Cambodia, she very often encountered people who were driven by hunger and thirst to return to their fields, which were planted with rice, but also with mines, as they were too poor to stay away. The whole country was suffering from that terrible scourge. Mines meant displacement, underdevelopment, continuing poverty. The women of Cambodia called for a total ban on the use, production, transfer and stockpiling of mines. They appealed for money to finance mine-clearance operations. They asked women everywhere to join with them in their efforts to secure a total ban on those weapons. Buddhists, Christians, Muslims and Confucians alike advocated peace and avoidance of harm to others. The world community must heed those voices. If the Review Conference was unable to agree on a permanent ban, it should at least declare a moratorium on the manufacture, sale and use of mines for the five-year period leading up to the next review.

18. Mr. RYCKMANS (Observer for Handicap International Belgium) said that for the past 15 years his organization's doctors, physiotherapists and technicians had been confronted daily with human tragedies caused by landmines. Those volunteers had helped rehabilitate almost 150,000 amputees in more than 20 countries. They had also come to realize that no end to their work was in sight: such human tragedies were going to continue. It was their revulsion and anger at that situation which had led Handicap International, a humanitarian organization, to place itself firmly on the political front, in order to inform and mobilize public opinion, which had rapidly understood that the tactical advantage of landmines claimed by the military could not begin to be measured against the extent of the human, social and economic catastrophe caused by their proliferation. The pressure of public opinion had enabled two countries, Belgium and France, to take the lead in the growing movement to eliminate mines from the planet. In March 1995 Belgium had voted to prohibit the production, transfer and use of mines. In the course of the present Conference, France had announced that it would stop production of anti-personnel mines and progressively destroy its stocks.

19. His organization believed that, while those decisions would have very little effect on the daily lives of the victim populations, they nevertheless had a symbolic significance that might finally have an impact on the producers of those weapons. For the first time, States now acknowledged that responsibility for the proliferation of a conventional weapon lay with the producers and that those mines could not justifiably be regarded as a major component in their military potential. No country could now claim that the production of those weapons on its territory did not make it an accomplice, direct or indirect, in the massacre of innocent civilians in times of war and peace alike. He called upon all the representatives at the Conference to accept their share of responsibility for the human tragedy caused by the dissemination of those weapons, of which the international community had now totally lost control.

20. Mr. RUTHERFORD (Observer for the International Rescue Committee) described how, when working as a Credit Union Training Officer with the International Rescue Committee in Somalia, he had lost his right leg and part of his left foot when a landmine exploded. Since then he had undergone eight operations and would soon have to have more surgery to make his foot more functional. The United Nations Secretary-General had recently stated that the average cost of the life-time care of a landmine victim was $500,000-$700,000. In less than two years, his own medical costs had already exceeded $250,000. He was only alive today because of the resources that had been available to him. Most landmine victims were not so lucky. Those that did survive faced great economic pressures in addition to the pain they suffered.

21. It should also be remembered that landmines compounded the growing refugee problem. They were claiming more and more refugees among their victims and leading to populations being permanently displaced. The repatriation programme for Afghan refugees in Pakistan had slowed down dramatically, partly as a result of the landmine situation in Afghanistan.

22. International public opinion was calling for a ban on landmines. The President of the Conference had been presented with over 1.6 million signatures the day before from 53 countries supporting the International Campaign to Ban Landmines. It was only a matter of time before countries started implementing unilateral bans on the production, export and deployment of all landmines. The Review Conference provided an excellent opportunity for States to reaffirm their humanitarian principles and set a moral standard by proclaiming the total ban on landmines that the world demanded.

23. Mr. von ESSEN (Observer for the International Save the Children Alliance) said that his organization, the coordinating body of the world's largest "Save the Children" associations, ran projects for a total value of more than $300 million in over 100 countries. Its guiding principle was to uphold every child's rights as set out in the United Nations Convention on the Rights of the Child. The use of anti-personnel mines constituted a massive violation of that Convention, and he was therefore strongly in favour of a total prohibition on anti-personnel mines.

24. Experience in the field had shown the devastating effects of the use of landmines. Thousands of children were killed and maimed by those repulsive weapons every year. They were particularly vulnerable because they could believe that mines were toys, and some of their occupations, such as gathering firewood or fetching water, exposed them daily to the threat of setting off an explosion. Apart from being indiscriminate, anti-personnel landmines caused worse injuries than many other weapons. Up to 50 per cent of victims had to have one or more limbs amputated, and child victims often needed repeated surgery, because their limbs were still developing.

25. In several mine-infested countries, including Afghanistan, Cambodia and Mozambique, his organization was carrying out rehabilitation and mine-awareness projects and in many of them it relied on the brave and valuable work done by demining organizations to allow it to carry out its programmes.

26. It had been argued that anti-personnel landmines were a legitimate and indispensable weapon for defence purposes. For his organization, the military utility of such mines had been highly exaggerated and was far outweighed by the human cost involved. Participants in the Review Conference must be aware that they would be responsible for the consequences if they did not adopt effective legislation against the use of those weapons. A total ban on anti-personnel landmines was the best solution not only in humanitarian terms, but also from the standpoint of enforcement, mine clearance and socio-economic progress.

27. At the very least, the following amendments to the CCW Convention were required to make it a meaningful instrument that would protect children. Firstly, its scope should be extended to cover both international and non-international conflicts and also times of peace. Secondly, strong verification mechanisms should be set up. Thirdly, the Convention should be reviewed more regularly and automatically than at present, possibly by shortening the interval between review conferences to five years at the most and by creating a permanent body that would meet regularly to review its implementation and suggest amendments. Fourthly, stronger provisions should be introduced concerning anti-tank mines. All mines, anti-tank as well as anti-personnel, should be detectable with standard metal detectors. They should be self-neutralizing and the use of anti-handling and anti-detection devices should be prohibited. Fifthly, the Convention should prohibit the production, transfer and stockpiling of the weapons which had been banned.

28. His organization supported the proposal to draft a fourth Protocol banning the use of blinding laser weapons.

29. The production of anti-personnel mines could not be defended on any grounds. His organization therefore fully supported the boycott imposed by the United Nations High Commissioner for Refugees in July 1995 on companies that sold or manufactured anti-personnel mines or their components. It opposed any transfer of technology for the production of self-destructing

mines, as was implied by the proposal contained in article 9 bis of the Chairman's rolling text. It would boycott all companies involved in such transfers.

30. However, the Alliance welcomed the opportunity to express its gratitude to all countries and organizations which had taken positive action concerning the scourge of landmines, especially Belgium, which had imposed a total national ban on anti-personnel mines in March 1995.

31. States should honour the commitments they had entered into in the United Nations Convention on the Rights of the Child, more particularly articles 3, 6 and 38 regarding the best interests of the child, the right to survival and development and the rights of children during armed conflicts. The welfare of millions of children depended on the outcome of the Review Conference.

32. Mr. AOA (Observer for the Afghan Mine Clearance Planning Agency), speaking on behalf of the Afghan Campaign to Ban Landmines, said that the world would have to deal with the landmines problem for many decades to come. It was estimated that over 10 million landmines had been laid in his country alone, with the result that thousands of acres of land remained uncultivated, millions of dollars were lost every year and the cost of livestock killed and vehicles destroyed by landmines amounted to some $165 million. The most tragic result, however, was the loss of human lives. There was one landmine casualty an hour in Afghanistan, more than 96 per cent of whom were innocent civilians obliged to enter areas they knew to be mined by the immediate need to feed their children. About 50 per cent of the victims died, and the lives of the survivors were tragically changed. Thirty per cent of landmine victims in Afghanistan were children. The cost of treatment and rehabilitation of mine victims was estimated at $20 million every year. Existing laws and conventions had not put a stop to the use of landmines, which continued to kill and maim civilians.

33. The idea of "smart" mines had major weaknesses, including the fact that there was a failure rate of at least 10 per cent whatever the technology used, that few countries would be in a position to modify their technology or afford to have such mines, that there was no way that a refugee or a farmer could know when or how the self-destructing mechanism of a mine would be triggered off and, finally, that roads or agricultural land on which mines of any sort had been laid could not be used for their proper purposes.

34. It was sometimes argued that the problem lay not in the mines but in the way in which they were used. With very few exceptions, however, landmines had always been used indiscriminately and irresponsibly. One of the most organized and so-called civilized armies had laid millions of landmines indiscriminately in his country with the result that at least 8,000 civilians fell victim to them every year.

35. The only logical solution was a comprehensive ban on the production, use, transfer, stockpiling and sale of all types of landmines. Whatever

provisions were adopted by the Review Conference would remain a dead letter, however, unless vigorous measures were taken to ensure their enforcement and verification. He wished to urge the international community to continue to provide assistance in clearing the mines already laid and in treating and rehabilitating the millions of landmine victims.

36. Ms. GULAMO (Observer for the Association of Disabled People in Mozambique) said that the proliferation of anti-personnel landmines was today her country's greatest problem, involving the daily massacre of its weakest people. The first such mines had been deployed by the Portuguese colonial armed forces in the first half of the 1960s, but most of them had been laid after Mozambique had attained independence, more specifically after the beginning of the armed conflict between FRELIMO and RENAMO. The economic and social infrastructure had been the main targets, but the FRELIMO Government and RENAMO had mined the areas around their military installations systematically throughout the country.

37. Today, 30 years after the first mines had been laid in Mozambique and 3 years after the Peace Accord between RENAMO and the Government, landmines continued to kill and maim innocent people. Out of a population of 16 million inhabitants, one in every 10,000 to 15,000 became a mine victim. A study of landmine casualties between 1980 and 1993 had shown that, out of 3,400 cases studied, 88 per cent were civilians.

38. In addition, the presence of landmines aggravated underdevelopment and made it impossible to deal with war damage. Thousands of families had fled to the cities during the war and hesitated to return to their homes because of their fear of landmines.

39. Two campaigns against landmines had been organized in Mozambique in 1994 and 1995 to sensitize public opinion to the problem and persuade the Government to ratify the 1980 Convention and support mine victims. More than 100,000 people had signed the petition to ban landmines presented to the President of the Conference the previous day. She urged participants to hear the plea of the handicapped people of Mozambique.

40. Mr. WOODMANSEY (Observer for the Steering Committee for Humanitarian Response) said that the Steering Committee for Humanitarian Response was a coalition of many of the largest relief and development agencies in the world and that its activities placed it in an ideal position to see the devastating impact that anti-personnel mines had on poor populations. The situation was particularly bad in poor countries, which relied on the productive capacity of their land to feed and clothe their people. The poorest people of the developing countries did not choose where they lived or grew their crops. If they happened to live in a mined area, they could not simply go and live somewhere else. He himself had seen people in Angola and Cambodia working in places known to be minefields because they had no alternative. Marking and mapping minefields would not keep poor civilians out of minefields if the land was essential for their survival.

41. He therefore had reservations about the so-called "legitimate" use of mines. The term was hardly ever appropriate, and even "legitimate" use had an impact on civilians. He was also concerned by the possibility that the effects of so-called "smart" mines were not fully understood. No independent research was available to suggest that their failure rates could ever reach acceptable levels. In any event, even if failure rates amounted to one in 1,000, what happened to the peasant farmer whose land had been mined? Would he cultivate it, would villagers use the paths, would children go back to school once the area had exploded?

42. It might be necessary to hold more than one international conference before those weapons could be banned. But banned they must be.

43. He hoped that significant progress would be made by the Review Conference, and particularly that it would decide to extend the Convention to cover civil wars and times of peace, that it would adopt effective verification procedures and that it would decide to review the Convention more frequently. It should also take steps to secure wider ratification of the Convention.

44. Further practical action might include buy-back schemes to clear stockpiles of anti-personnel mines - a cheaper solution than clearing them once they had been laid. Agreements on production were required to ensure that the number of anti-personnel mines in the world did not grow further, and research into new methods of mine clearance was essential to speed up and improve the clearing process. While the Convention constituted an important first step in seeking a solution to the havoc and suffering caused by landmines, it was only a first step. A great deal more needed to be done in order to protect civilians from those grotesque and inhumane weapons.

45. Mr. WHITE (Observer for the Wisconsin Project on Nuclear Arms Control) said that he had been only four years old when Syrian soldiers had laid Soviet-supplied mines in the Golan Heights, hoping no doubt that they would maim or kill a Jewish soldier. Seventeen years later, as a student backpacking in northern Israel with two friends, he had unwittingly set up camp in the minefield, which was unmarked and had no fence round it. A mine had exploded under his feet and blown off his right leg.

46. He was citing his own experience in the hope of making two very simple points quite clear. First of all, discussion about fencing and marking and monitoring minefields might distract attention from the real challenge — how to halt the proliferation of landmines. He himself had been injured in a country that took pride in the way in which it had fenced and marked its minefields, but even in a small, security-conscious State like Israel, it must be realized that fences broke down, signs faded and fell and mines shifted with changes in the weather and soil erosion.

47. The second point he had to make was that the problem was not confined to poor developing countries. Although they were the ones which suffered most, American civilians were also liable to be injured or killed by landmines.

That might encourage a super-Power such as the United States to ask itself whether it really needed an arsenal of anti-personnel landmines to win wars. He would urge all delegations to declare war instead on the landmines themselves.

48. Mr. HASSOLD (Observer for the Christoffel Blindenmission) said that his organization had been founded 80 years previously for the prevention of blindness and rehabilitation of the blind and at present worked with over 800 partner organizations in more than 100 countries. At the present Conference, it was particularly concerned about the atrocious prospect of thousands of war victims blinded by laser beams.

49. There were already over 40 million people suffering from blindness, 80 per cent of them in third world countries. In three out of four of those cases, the condition was curable with proper treatment. But many countries were too poor to provide such care. Humanitarian problems were often aggravated by their economic repercussions. In the case of river blindness epidemics in West Africa, for example, the economy and food production collapsed altogether. Laser weapons would only make matters worse. Countries already under severe economic stress because of civil wars would then have to cope with the victims of such weapons when already overwhelmed with the burden of looking after their existing blind.

50. The proposed additional protocol would prevent the further development, production and distribution, or at least the use, of an inhumane weapons system before it created victims in international or internal conflicts. The Conference provided an opportunity in particular to keep such weapons away from terrorists and criminals. He appealed to participants to ban the use of laser beams against people in international conflicts or civil wars; to forbid the development, production, storage, trading and use of such weapons; and to provide for implementation and verification of the protocol, including sanctions if necessary. The protocol should be based on the existing Chemical Weapons Convention, which came close to a total ban.

51. A number of States had already expressed support for such a protocol, but some others were still hesitant, either because they hoped to make profits from their exports or for other reasons. He appealed to them to join in a strong protocol banning the use of weapons that were unacceptable in the modern world.

52. Mr. DAVIES (Observer for Saferworld), speaking on behalf of the US Arms Transfer Working Group and Saferworld, a British non-governmental organization concerned with the prevention of armed conflict, said he had personally witnessed the suffering of innocent victims of internal conflicts in Angola, Ethiopia, Somalia and Sudan where, owing to landmines, farmers were unable to till their fields and many men, women and children had lost limbs. The proliferation of landmines was an international catastrophe, not only for civilian populations, but also for the economies of their countries. Saferworld's study "True cost of conflict" showed how wells, schools, health centres and fields had been mined in violation of international law.

53. The Review Conference needed to take five critical steps. First was the need for effective verification measures, including a standing verification commission. Secondly, the Convention should include effective provisions to ensure compliance. Thirdly, all States parties should supply full information on the import, export, stockpiling and use of anti-personnel landmines, and a breakdown of the types involved, to that verification commission or to another appropriate United Nations body. All three aspects — verification, compliance and transparency — were equally essential. The fourth step was an eventual universal ban on anti-personnel landmines: the manufacture, stockpiling, use and transfer of all such mines, including all types of remotely-delivered mines and all mines fitted with anti-handling devices, should be outlawed. He congratulated France on its unilateral decision in that connection. Fifthly, the use of blinding laser weapons should be unequivocally forbidden.

54. In his view, the elimination of all types of anti-personnel mines should be achieved within three to five years, and he urged that another Review Conference should be held in three years' time to assess progress in outlawing such weapons in the same way as chemical and biological weapons had been outlawed.

55. Sir Duncan WATSON (Observer for the World Blind Union) said that blind people, 40 million in number and increasing by a million a year, the great majority of them living at starvation level in the developing world, viewed with alarm any development likely to increase their numbers, such as the introduction of laser weapons. Although, with adequate resources, three quarters of existing blindness could be either prevented or cured, money was instead to be spent on weapons designed specifically or primarily to cause blindness. It was indeed ironic that lasers, which had so revolutionized eye surgery, should be used to create irreversible blindness. There existed no prosthesis to compensate for loss of sight.

56. The World Blind Union strongly supported the draft text of Protocol IV, especially articles 1 and 2, although, in its view, their scope should be extended to cover the development and production as well as the use of such weapons. The real problem was production: if production was banned, laser weapons could not be used; if the Conference failed to ban production, they would from time to time be used simply because they were there. Once production was in fact banned, the implementation of the Protocol should be monitored by something like the verification commission for landmines. Indeed, it would be easier to monitor the production of high-tech weapons such as blinding lasers than that of low-tech weapons such as landmines, which could be produced almost anywhere.

57. The World Blind Union enjoyed the full support of the International Council of Ophthalmology, which had long been opposed to the use of laser weapons designed solely to blind people, and of the International Agency for the Prevention of Blindness, which viewed with deep concern the research into and stockpiling of blinding laser weapons in many countries. He hoped that

the committee concerned would find an adequate form of words to ban blinding laser weapons, not only in time of war, but also in armed conflicts arising in times of peace.

58. Though the primary concern of his organization was with laser weapons, it also supported the ban on landmines, which were also capable of blinding as well as maiming people and thus causing a double disability.

59. Ms. OAKES (Observer for the International Peace Bureau and the National Peace Council) urged delegations to adopt the strongest form of words in the Chairman's so-called rolling text, and in particular to remove phrases such as "if feasible", "if possible" or "if practical" and replace "may", "might" or "could" with "shall". They should also specify exactly who was responsible for recording, marking and keeping mined areas marked until fully cleared. If anti-personnel landmines were not to be banned, they should at least be made detectable by standard equipment and heavy penalties imposed on the manufacturers and sellers of non-detectable mines and mines with anti-handling devices. The Conference should also accept verification, including challenge inspections for alleged breaches. Her members could not understand why the present verification proposals, already less rigorous than those of the Chemical Weapons Convention, had met opposition. If the Conference failed to ban landmines, it would be necessary to institute individual criminal responsibility for not keeping a record of mines laid or not marking mined areas at the end of hostilities in the area. She concluded by urging delegates to read the ICRC brochure on the subject, especially pages 42-54.

60. Ms. PETERS (Observer for Human Rights Watch/Arms Project) said that the Conference provided a rare opportunity to stop the spread of inhumane blinding laser weapons. Such weapons were no longer confined to science fiction. Only the previous week a cult member in Japan had admitted in court to breaking into a defence contractor's office to copy documents on laser weapons. However, it was not enough to ban the production and use of laser weapons primarily designed to blind. The Conference should establish an international rule that outlawed blinding as a method of warfare altogether. Military documents revealed that all laser weapons could potentially blind, and some were designed, for example, to blind persons using optical devices for enhanced vision: laser weapons aimed at binoculars actually damaged or destroyed the human eye. They were therefore anti-personnel weapons. An entire family of blinding weapons might be developed if the Conference failed to ban such weapons at once. Weapons could be developed for use against sensors and then be used legally against individuals.

61. Laser weapons were distinct from range finders and target designators. To lay down the principle that the common and systematic use of lasers to blind was immoral and unlawful would at the same time protect soldiers using non-weapon systems that could cause blindness incidentally or accidentally.

62. Ms. DENTICO (Observer for the Italian Campaign to Ban Landmines) said that non-governmental organizations from all over the world were trying to help the Conference to see the reality of the impact of landmines on

individual lives, causing physical and psychological wounds that would never heal. The victims needed compassion, but they also needed a political solution, and, because the use of landmines constituted a crime against humanity, they needed justice. In her view, therefore, the handful of industrialists who made their profits from the production and selling of landmines should be required to pay compensation for the damage caused and contribute substantially to ridding the Earth of such fatal devices.

63. Unfortunately, some companies with a heavy responsibility for landmine contamination in war-torn countries had in the past been contracted by the United Nations to carry out demining operations and thus made double profits. She had been informed that the Italian company Valsella, and quite probably other companies in mine-producing countries, was getting ready to become involved in and profit from demining operations. The manufacturers of landmines must be excluded from the demining business.

64. She concluded by calling on Italy and all other States parties to combat the inventors and producers of evil new weapons.

65. Ms. WATTS (Observer for the Environmental Investigation Agency) said that landmines polluted the land and were an appalling abuse of the very soil that sustained man and his fellow creatures. Mines also polluted water sources and, in some cases, could lead to a reduction in the availability of water supplies. They forced people to abandon their land for fear of injury or death and to try instead to cultivate marginal or fragile lands, which could lead to soil erosion. In some mined areas, people had had to clear valuable forests in order to grow food. Wildlife and domestic animals had similarly fallen victim to landmines, and endangered species had suffered losses as a direct or indirect result of them.

66. All that was happening at a time when many developing countries were actively seeking to capture their share of the world's largest industry, tourism. Ironically, tourism had been dubbed the "peace industry", since its viability depended on conditions of peace and security. However, the growth of the "peace industry" was often severely hampered by the legacy, not of peace, but of war. Many countries saw tourism as an avenue of hope for the poor and disadvantaged, many of whom lived in and around pristine wilderness and wildlife habitat. Such people, but for landmines, could begin to rebuild their lives by participating in eco-tourism projects. Thus, landmines quite literally obstructed the path to rehabilitation and a return to economic independence for the survivors of war.

67. In many cultures people were tied to the land, not only economically, but spiritually, culturally and ecologically as well. The world should look upon all landmines as an environmental abomination. Landmines inflicted terrible wounds on the Earth and could turn it overnight from a friend into an enemy. Man suffered with his environment. In conjunction with 15 environmental and conservation organizations in the United Kingdom, she appealed to those who cared about the Earth to unite in cleansing it of the vile pollution of landmines.

68. Ms. HENDRICK (Observer for the Friends World Committee for Consultation) said that the Religious Society of Friends (Quakers) had for centuries taken a stand against war and preparations for war as a matter of principle. If war was to be overcome, its sources must be dealt with and effective non-violent methods for dealing with conflict must be developed and adopted. Quaker institutions in different parts of the world had long worked for the effective control and eventual elimination of different weapons systems and for the evolution of international standards and practices which sought to reduce the effects of war.

69. The Friends World Committee for Consultation supported current efforts to strengthen the restrictions of the Convention on the use of anti-personnel mines. A total ban on their use, production, stockpiling and transfer would of course be most effective. The application of the Convention should be extended to non-international conflicts. The Review Conference should also make provision for regularly reviewing compliance with the Convention.

70. It would be desirable to expand the scope of the Convention to include other anti-personnel weapons not currently covered. The adoption of a new protocol banning the use of blinding laser weapons would bring a particularly cruel weapons system under control at an early stage. There would still, however, remain a large unfinished agenda concerning specific classes of weapons. They included small-calibre weapons, for which a new protocol was needed; incendiary weapons, whose use should be completely banned; fuel-air explosives and other wide-area blast weapons, which should be banned for anti-personnel use; and cluster weapons, which caused problems similar to those posed by landmines. In some parts of the world the incidence of injury from unexploded cluster sub-munitions remained as high as it had been when the conflicts had ended decades previously. In 1974 seven States had proposed the banning of such weapons, and the international community should reconsider that proposal. The Review Conference itself would clearly not have time to deal with all those problems as well as with mines and lasers. But problems ignored tended to get worse, and the Conference should set goals for bringing effectively under control other anti-personnel weapons which caused terrible human damage.

71. Mr. BERTRAM (Observer for Pax Christi International) welcomed the Review Conference as a response to a modern form of brutality that was killing and maiming increasing numbers of innocent people. Pax Christi had always placed the human being at the centre of its considerations. It therefore found it difficult to follow the logic of speakers who had referred to "intelligent", "less intelligent" and "bad" mines, "detectable" or "non-detectable" mines. Such distinctions were irrelevant to the victims and sounded cynical. There was no morally defensible choice other than to demand a total ban on all anti-personnel mines, whether "smart" or "dumb". The only good mine was a mine that had not been produced.

72. Ms. WALKER (Handicap International USA) said that landmines and their medical, social, economic and environmental consequences were a public health and human rights disaster of international proportions. Each country

represented at the Review Conference had a historic opportunity to stop the mass carnage by calling for a total ban on landmines, not eventually, but immediately. Mines were the single biggest factor hindering development work in many countries.

73. The tales of tragedy told by NGOs and landmine victims were shared in order that delegates should not forget the reality with which they were dealing when making decisions that would affect millions of human lives. She would urge those who had never visited a mine-infested country or talked to recent mine victims to do so. She was confident that a decision in favour of a total ban on the production, use, trade and stockpiling of landmines would then follow automatically.

74. Dr. MOKHDUM (Observer for the International Progress Organization), speaking from his experience as a plastic reconstruction surgeon, described the different kinds of injury caused by landmines. The specific measures of Protocol II relating to the use of such devices were rather vague and had proved totally ineffective. Its language was open to arbitrary interpretation by any of the warring parties when it came to the protection of the civilian population, and it lacked enforcement mechanisms. Half a century after the end of the Second World War, innocent civilians in Egypt and Libya were still being killed or maimed by mines planted by warring parties situated far away from the territory they had fought over, whose Governments did not bear the consequences of those acts of war. Tragedies of immense proportions were caused by the minefields in Afghanistan, Angola, Cambodia and Mozambique, the legacy of more recent conflicts fuelled by the interference of outside Powers, which again did not bear the consequences of their involvement. Because of the practical impossibility of ensuring the safety of civilians in the course of armed conflicts — and decades afterwards — because of landmines' propensity to kill or maim by inflicting insidiously cruel injuries, and because of the unbearable strain on the economic resources of afflicted countries, the International Progress Organization (IPO) was calling for a total ban on such weapons.

75. IPO welcomed [as a step in the right direction] the formulation included in article 6 bis, paragraph 1, of the draft amended Protocol, as presented by the Chairman of the Group of Governmental Experts, and the Swedish delegation's proposal to the Group of Governmental Experts which had led to its incorporation. However, IPO hoped that such a ban would be extended to landmines in general. He emphasized that no opportunities should be left for States' military-industrial establishments to circumvent such a ban through casuistic distinctions that would allow the exclusion of certain types of devices from the category of "mines".

76. IPO welcomed the steps already undertaken by the Government of Belgium to stop production and export of anti-personnel mines and the initiative of the Government of Norway. It also welcomed the resolution adopted by the Austrian National Assembly on 14 July 1995 in regard to a ban on production and use of mines.

77. In conformity with the Final Statement of the Landmines Conference held in Phnom Penh, and bearing in mind the general principles of international humanitarian law, IPO took the view that there was no justification at all for the continued use of landmines. It hoped that the Review Conference would take into consideration the statement made by the Secretary-General of the United Nations that the ultimate goal of establishing a total ban on landmines should be kept in view for humanitarian reasons. A total ban, as he had said, would be easier to implement, monitor and verify.

78. In addition to a general ban on the production, stockpiling, sale and use of landmines, IPO was calling for the establishment of a set of international legal norms regulating the questions of responsibility for the effective clearance of minefields and of liability and compensation for the losses of life, injuries and material damage caused by landmines even decades after a war had ended. The former warring parties should be held fully responsible and obliged to offer adequate compensation to individuals and States.

79. Ms. HAUER-RONA (International Council of Women) informed the Conference that at its General Assembly in Paris in June 1994 the International Council of Women had formulated a resolution (No. 22) stating that it acknowledged policy on the control of armaments throughout the world; was aware of the many innocent civilians who were killed or injured as a result of landmines which remained in the ground after hostilities had ceased; and was asking its affiliated National Councils to urge their Governments to reach a binding international agreement to eliminate the production and use of landmines.

80. Mr. ERNST (World Veterans Federation) said that the World Veterans Federation (WVF) had member associations in 74 countries with more than 27 million individual members. Its main purpose was to aid veterans, particularly the war-disabled, to resume normal life, to assist dependants of war victims and to work for peace, including support of the principles and the programme of the United Nations. WVF was deeply alarmed by the increasing employment of anti-personnel mines in armed conflicts.

81. At its 21st General Assembly WVF had passed two resolutions calling for a total ban on the utilization, manufacture and stockpiling of anti-personnel landmines and anti-material mines likely to have anti-personnel effects and their use during international and non-international armed conflicts; the speedy conclusion of the negotiations on the revision of the CCW to allow for the inclusion of provisions on control and sanctions; and the development of new mine detection and defusing equipment. It had urged all States, in particular those that laid mines, to contribute to research into and financing of new technologies in order to provide effective assistance to the most severely affected peoples and regions.

82. In the second resolution, WVF had supported the appeal of the International Committee of the Red Cross for the prohibition of blinding as a method of warfare; called upon the States parties to the CCW to adopt an additional protocol prohibiting blinding as a method of warfare; and called

upon States to refrain from the further development and testing of anti-personnel laser weapons and, as a matter of urgency, to begin negotiations aimed at prohibiting their production, possession and transfer.

83. WVF expected the needs of those who had suffered physical injury and social deprivation and the appeals of the organizations of war victims and veterans to sway the deliberations of the Conference. He was convinced that, despite obstacles, the Conference would be an important step on the path towards an absolute ban on anti-personnel mines and anti-personnel laser weapons.

The meeting rose at 1.10 p.m.

**REVIEW CONFERENCE OF THE STATES PARTIES
TO THE CONVENTION ON PROHIBITIONS OR
RESTRICTIONS ON THE USE OF CERTAIN
CONVENTIONAL WEAPONS WHICH MAY BE
DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS**

CCW/CONF.I/SR.7
17 October 1995

Original: ENGLISH

Vienna, 25 September - 13 October 1995

SUMMARY RECORD OF THE 7th MEETING

Held at the Vienna International Centre,
on Thursday, 12 October 1995, at 6 p.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

REPORTS OF THE MAIN COMMITTEES

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The meeting was called to order at 6.15 p.m.

REPORTS OF THE MAIN COMMITTEES (CCW/CONF.I/4)

1. The PRESIDENT noted that a great deal of hard work had been done in Main Committees I and II, in working groups and in informal consultations. Some progress had been made: delegations now had a fuller understanding of the issues at stake and a clearer idea of each other's positions. It did not, however, seem possible for those Committees to arrive at an agreed result within the time that remained.

2. In the circumstances, he understood that it was the wish of the Conference to suspend its substantive work on the following day and resume it later, at a date and place to be agreed upon.

3. It was so decided.

4. Mr. KHERADI (Secretary-General of the Conference) warned delegations that the Secretariat would not be able to provide estimates of the cost of the resumed session by the time the Conference came to take a decision on the date and place. Those estimates would have to be adopted at the opening of the resumed session itself.

5. The PRESIDENT said that Main Committee III had been very successful in its work. Congratulations were due to Mr. Hoffmann (Germany), the Chairman, Mr. Poptchev (Bulgaria), the Vice-Chairman, and the members of the Committee.

6. Mr. POPTCHEV (Bulgaria), Vice-Chairman of Main Committee III, introducing the report of the Committee (CCW/CONF.I/4), said that it had been adopted by consensus. After reviewing its main provisions, he drew attention to the annexed text of Protocol IV on blinding laser weapons, which, on behalf of the Chairman of the Committee, he was recommending for adoption by the Conference. Since Main Committee II had so far been unable to adopt an agreed text on the question of scope, article 1 of the Protocol should be deleted and the remaining articles renumbered accordingly. Due note should be taken of the comment in paragraph 4 of the report about the possibility of considering various issues raised in the course of the deliberations on the draft Protocol at a future stage. Most delegations were in no doubt that the text agreed upon represented a major step forward in efforts to restrict and prohibit the use of blinding laser weapons. He expressed his gratitude to all those who had been instrumental in achieving that result, and in particular to Mr. Hoffmann (Germany), as the Chairman of Main Committee III.

7. The PRESIDENT invited the Conference to take note with satisfaction of the report submitted by Main Committee III and transmit it to the Drafting Committee.

8. It was so decided.

The meeting rose at 6.45 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.8
24 October 1995

Original: ENGLISH

Vienna, 25 September - 13 October 1995

SUMMARY RECORD OF THE 8th MEETING

Held at the Vienna International Centre,
on Friday, 13 October 1995, at 11.30 a.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

REPORT OF THE CREDENTIALS COMMITTEE

REPORT OF THE DRAFTING COMMITTEE

RESUMED SESSIONS OF THE CONFERENCE

STATEMENTS BY OBSERVERS AND DELEGATIONS

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The meeting was called to order at 12.25 p.m.

REPORT OF THE CREDENTIALS COMMITTEE (CCW/CONF.I/6*)

1. Mr. GALICKI (Poland), Chairman of the Credentials Committee, introduced the Report of the Committee, which had agreed to accept the credentials of 44 States parties on the understanding that the original credentials of four of those States parties would be submitted as soon as possible, in accordance with Rule 3 of the Rules of Procedure.

2. The Committee had recommended the adoption of the following draft resolution:

> "The Review Conference of the States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,
>
> "Having considered the report of the Credentials Committee and the recommendation contained therein,
>
> "Approves the report of the Credentials Committee."

3. Since the Conference was to be continued, he proposed the replacement of the word "Approves" by "Takes note of" in the operative paragraph.

4. The PRESIDENT invited the Conference to consider the draft resolution, as amended.

5. The draft resolution, as amended, was adopted.

REPORT OF THE DRAFTING COMMITTEE (CCW/CONF.I/7; CCW/CONF.I/8)

6. Mr. MOHER (Canada), Chairman of the Drafting Committee, said that the Committee had considered the draft report of Main Committee III, which had produced the draft Additional Protocol on blinding laser weapons, and had made certain editorial amendments to that draft, which was submitted to the Conference for adoption as document CCW/CONF.I/7.

7. The Committee had also considered the draft Interim Report of the Conference (CCW/CONF.I/8) and had amended it in some respects in order to reflect the course of the Conference. Accordingly, only the current phase of the Conference was covered. He therefore suggested that the word "Conclusion" in the title of paragraph 28 of the document be replaced by the word "Decisions". He also pointed out that information on the date and place of the resumed session of the Conference would have to be included.

8. The PRESIDENT congratulated all concerned on bringing the negotiations on the draft Additional Protocol to a successful conclusion and said that it would make a very important contribution to international humanitarian law on armed conflicts. He asked the Conference whether it wished to adopt the Additional Protocol as submitted.

9. The Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the "Protocol on Blinding Laser Weapons (Protocol IV)" (CCW/CONF.I/7) was adopted.

10. The PRESIDENT suggested that, before consideration of the Interim Report, the meeting be suspended to permit informal consultations on the date and place of the resumed session.

The meeting was suspended at 12.40 p.m. and resumed at 4.50 p.m.

RESUMED SESSIONS OF THE CONFERENCE

11. The PRESIDENT submitted to the Conference the proposal prepared in informal consultations that the resumed sessions be held in Geneva from 15 to 19 January 1996, to focus on Articles 2-6 and the Technical Annex, and from 22 April to 3 May 1996, also in Geneva, with a view to concluding the review and amendment of Protocol II.

12. It was so decided.

13. The PRESIDENT said that the Conference would work at the resumed sessions on the basis of the proposals contained in documents CCW/CONF.I/1, CCW/CONF.I/WP.2, CCW/CONF.I/WP.3 and CCW/CONF.I/WP.4, without prejudice to the positions held by States parties on issues under consideration, and without prejudice to further proposals that might be made by States parties in that regard.

14. Work would need to continue in Main Committee I on the Final Declaration of the Conference.

REPORT OF THE DRAFTING COMMITTEE (continued) (CCW/CONF.I/8)

15. The PRESIDENT reminded the Conference of the oral amendments submitted by the Chairman of the Drafting Group. He understood that the heading of paragraph 28 should be amended to read "Decisions of the first phase of the Conference" and that paragraph 29 (d) should be amended to read "Decides to continue its work at resumed sessions to be held in Geneva from 15 to 19 January 1996 and from 22 April to 3 May 1996".

16. Mr. GALICKI (Poland), Chairman of the Credentials Committee, proposed that paragraph 29 (a) be amended to read "Took note of the report of the Credentials Committee".

17. Mr. KHERADI (Secretary-General of the Conference) pointed out that the document symbol of the interim report in the Arabic version should be changed from CONF.I/DC/8 to CONF.I/8.

18. The PRESIDENT invited the Conference to consider adoption of the interim report, as orally amended.

19. The Interim Report, as orally amended, was adopted.

20. The PRESIDENT said that, despite some progress, the objectives of the Conference had not been achieved, so that congratulations would be out of place. However, he was confident that a balance would be struck at the renewed sessions.

STATEMENTS BY OBSERVERS AND DELEGATIONS

21. Mr. SANDOZ (Observer for the International Committee of the Red Cross (ICRC)) said that there had been general public disappointment at the lack of a positive outcome to the negotiations on the landmine question. It was to be hoped that, at the resumed session, the Conference would be able to attain the tangible results impatiently awaited by the international community.

22. The Conference had nevertheless achieved a notable success by adopting a protocol on blinding laser weapons, one of the few occasions in history where States had agreed, as a precautionary measure, to ban a weapon that could have become available to them and that could have led to individual and social tragedies. The ICRC hoped that such a positive outcome would stimulate the work of the Conference on the landmine question and that States would subordinate their immediate national interests to the wider interests of humankind as a whole.

23. Mr. COOK (New Zealand) said that his delegation had been willing to support an immediate ban on anti-personnel landmines. Since there was no prospect of achieving that goal, his delegation had engaged in the review of the Convention with the clear objective of securing the strongest possible measures to control such weapons. Regrettably, those hopes had been disappointed, and it had not proved possible to adopt even the proposed interim steps to that end.

24. The importance of establishing a process for the regular review of the Convention had been confirmed at the Conference, and his delegation would discuss that question with other interested delegations in the interim period.

25. New Zealand wished to reiterate its firm commitment to the elimination of anti-personnel landmines and was confident that the resumed session would succeed in strengthening Protocol II.

26. Ms. GHOSE (India) welcomed the limited achievement represented by the agreement on blinding laser weapons, but said that her delegation deeply regretted that it had been necessary to suspend the Conference and resume it

later, owing to the lack of progress on Protocol II. She had hoped that it would have been possible to strengthen the existing Protocol, on humanitarian grounds, and had been prepared to attempt to push the limits of international humanitarian law as far as possible. Her delegation had accordingly proposed three bans: on the use of anti-personnel mines in conflicts that were not of an international nature, on the use of remotely-delivered mines, and on transfers. It regarded progress towards those goals as an ongoing process and had therefore agreed, in Committee I, to a five-yearly review of the Protocols as a step in the right direction.

27. Her delegation had suggested a chapeau for article 3, on which there had been agreement in substance, but no ban on the use of anti-personnel mines in internal conflicts had been accepted. There had been some agreement on more rigid restrictions with regard to remotely-delivered mines, but transfers had not been banned. Her delegation had itself made advances on its earlier positions regarding both scope, implementation and compliance and had felt that agreement could have been reached. It had therefore been taken aback by the decision to suspend and reconvene the Conference. India had been negotiating in good faith on the humanitarian question, bearing in mind the security requirements of each State, but had not been aware of the significance of commercial interest.

28. Her delegation had been dismayed to find reports in the media identifying India as opposing a ban, whereas it had in fact proposed a ban. Her country agreed to the reconvening of the Conference, but would have to make a close examination of its participation in the next phases, in view of its experience at the current session.

29. Mr. LI Changhe (China) regretted that, after three weeks of intense work, the Conference had been unable to reach agreement on the revision of Protocol II.

30. However, some progress had been achieved. States parties had adopted Protocol IV, prohibiting the use of laser weapons specifically designed to cause permanent blindness and had undertaken not to transfer such weapons to any State or non-State entity. The Conference had carefully reviewed the implementation of the Convention, concluding that it had played, and would continue to play, an irreplaceable role in reducing the cruelty of war and injuries to civilians. Serious negotiations had also taken place on the review of Protocol II, which had enabled all States parties to gain a deeper understanding of each other's positions and would be useful for the future work of the Conference.

31. The Chinese delegation had hoped that it would have been possible to improve the landmine protocol and had played an active role in efforts to achieve that aim, striking a balance between defence and military requirements and humanitarian needs.

32. The failure of the Conference to reach agreement at the current session had not been due to lack of time. The issue before it was a complex one which involved political, military, humanitarian and legal aspects, and the parties engaged in the process of resolving that issue differed considerably in their levels of development, their security environments and other aspects. He hoped that, at the resumed session, all sides would work in a spirit of flexibility, pragmatism and compromise so that all the existing problems could be overcome.

33. Mr. STARR (Australia) welcomed the adoption of the protocol on blinding laser weapons as an important achievement.

34. The convening of the Review Conference had aroused the expectation that it would strengthen the protocol on landmines and provide the sort of far-sighted vision that had led to international agreements such as the Hague and Geneva Conventions on the conduct of warfare; however, the Conference had not given due weight to humanitarian concerns in its endeavours to strike a balance between humanitarian and security interests.

35. Australia did not produce or sell landmines but was involved in the rehabilitation of one of the most mine-affected areas in the world.

36. While Australia supported the eventual prohibition of anti-personnel mines, it believed that the immediate priority of the Conference should be to adopt measures aimed at eliminating long-lived mines, which killed and maimed civilians. It was disappointing to note that it had not been possible to reach agreement even on limited steps in that direction. Much of the resistance to replacing long-lived with short-lived mines and to banning undetectable mines had less to do with military doctrine and more to do with the cost of replacing existing stockpiles. In the interests of humanity, that obstacle had to be overcome.

37. It was necessary to build on the progress made at the current session towards securing agreement on a number of questions, including extension of the application of Protocol II to non-international armed conflicts, restrictions on transfers, a mechanism for annual conferences of the States parties and on five-yearly reviews of progress.

38. Australia was committed to the successful outcome of the resumed session, and accordingly urged delegations to seriously consider their positions in the intervening period.

39. The PRESIDENT invited a representative of the NGO Coordinating Committee to address the Plenary, in accordance with Rule 49 of the Rules of Procedure.

40. Mr. von ESSEN (Save the Children), speaking on behalf of the International Campaign to Ban Landmines, thanked participants for their efforts, but expressed disappointment that the Conference could not reach

agreement even on very small improvements to the CCW Convention. The question of landmines was an urgent one and the only solution was a total ban. Tinkering with self-destruction or failure rates would not solve the problem. As several States had indicated, there was no technical solution.

41. Like the States parties, the International Campaign to Ban Landmines would continue its efforts, at national and international forums, to raise public awareness about the need for a total ban on anti-personnel mines, including a campaign to blacklist all companies producing such weapons.

The meeting rose at 5.35 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.9
15 January 1996

Original: ENGLISH

Geneva, 15-19 January 1996

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 January 1996, at 10.30 a.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

STATEMENT BY THE PRESIDENT

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

GENERAL EXCHANGE OF VIEWS

ESTIMATED COSTS OF THE RESUMED SESSIONS

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Any corrections to the records of the meetings of the Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

The meeting was called to order at 10.50 a.m.

STATEMENT BY THE PRESIDENT (CCW/CONF.I/WP.2/Add.1, WP.3 and WP.4)

1. The PRESIDENT said that the present resumed session of the Review Conference would focus on articles 2 to 6 of Protocol II, on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, and the technical annex, with a view to finding a compromise, strengthening the Protocol and preparing the groundwork for a successful outcome to the Conference within the stipulated period of time. Previously, at Vienna, the Conference had received some bad press, but that was somewhat unjust, and the gloom surrounding the meeting was unwarranted. The subject-matter was particularly complex and there had been less time available for the negotiations than on other equally complex issues. Substantial progress had been made on a number of questions, and even if the "President's" text (CCW/CONF.I/WP.4) was not a consensual document, it none the less reflected agreement on the issue of scope, on strengthening general restrictions on the use of mines, on establishing the strict responsibility of mine-laying parties and on developing rules on the transfer of mines.

2. The Conference had also agreed to develop more far-reaching rules on cooperation and technical assistance, to afford greater protection to missions by the United Nations, the International Committee of the Red Cross (ICRC) and other humanitarian missions, and to hold consultations among States parties at shorter intervals. While the Conference had experienced difficulty with certain "military-technical issues", it had agreed on the necessity to outlaw non-detectable anti-personnel mines, although in meeting that goal some transition periods might be needed, and it might also be necessary to take account of certain national stockpiles. In principle, the Conference had also agreed that mines, especially anti-personnel mines that lay outside fences, were unpatrolled or remotely delivered, should be fitted with self-destructing and self-deactivating mechanisms. Consultations had shown that the Conference was heading in the right direction, but that it still had a number of technical matters to solve. If they were cleared up in the course of the week, some diplomacy would still be needed to conclude the rest of the negotiations.

3. Vienna had resulted in a landmark achievement in international humanitarian law. Protocol IV, which banned blinding laser weapons, represented the first time that the international community had pre-empted the use of a weapon before it had actually been used in the field. Work had also advanced on the issues discussed in the draft final declaration of Main Committee I (CCW/CONF.I/WP.1), on which the Conference would conclude negotiations at its April/May resumed session.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

4. Mr. PETROVSKY (Director-General, United Nations Office at Geneva), conveying a message as personal representative of the Secretary-General, said that, when the Conference had embarked on the review process, he (the

Secretary-General) had strongly advocated a total ban on land-mines, the use of which caused untold suffering. It was the only solution to halting their currently massive proliferation and to coping with the nature and magnitude of the problem. A source of great satisfaction was the fact that the Conference had been able to adopt Protocol IV, prohibiting the use of laser weapons, which were designed to cause permanent blindness, as well as the transfer of any such weapon to any State or non-State entity. The adoption of that Protocol was a landmark event in the development of international humanitarian law, demonstrating that it was possible to outlaw a weapon before its deployment and use. He appealed to all States to become parties to the Protocol and to ensure its rapid entry into force.

5. Recent national measures adopted by some Member States relating to the transfer, production or reduction of existing stockpiles of anti-personnel mines had improved the political environment for achieving further progress in revising Protocol II to the Convention. Final agreement on such important issues as extension of the scope of application to conflicts not of an international character, and on stringent restrictions of the use and transfer of such weapons, was close at hand. There were differences of perception as to the legitimacy of those weapons and their role in defence planning. He was none the less confident that many Governments would be willing to address the military, technical and economic complexities involved and to make the short-term economic sacrifices needed to attain the common goal.

GENERAL EXCHANGE OF VIEWS

6. Mr. CAFLISCH (Switzerland) said that, following the Vienna session of the Conference, his Government had been disappointed that Protocol II had not been adopted. Switzerland was now convinced that strong action was required by the international community, and hopefully the suspension of work had enabled other participants to undertake fruitful negotiations.

7. Switzerland was committed to the development, implementation and respect of international humanitarian law, particularly the CCW Convention. It supported international efforts to reduce the suffering of the victims of anti-personnel mines, booby-traps and similar devices and wished to express its solidarity with them. It had contributed to international demining programmes and provided assistance to victims in the former Yugoslavia, in Angola, Afghanistan and Cambodia. It was taking steps against the use of mines in Switzerland and elsewhere. His Government agreed with the need for new restrictions to be set out in Protocol II; on the extension of the Protocol to non-international conflicts; on the detectability of land-mines; on the prohibition of remotely delivered anti-personnel mines; on the necessity of self-destructing or self-neutralizing mechanisms for all anti-personnel mines; and on the establishment of a verification mechanism.

8. Swiss Government restrictions in that regard went far beyond those required by international law and by Protocol II. Since 1969, Switzerland no longer produced either mines or components for mines. It had reached the conclusion that a radical and complete prohibition on the possession and use

of anti-personnel mines would alone provide a satisfactory solution to the problem. Such a prohibition would also be the only solution to the problems of effective verification procedures, the introduction of which some States had said they could not tolerate. On 24 November 1995, the Federal Military Department had decided to renounce the possession and use of anti-personnel land-mines, in anticipation of the revised Protocol. By that decision, Switzerland renounced the use of automatic triggering devices for weapons systems, including fragmentation charges, and undertook that in future, such systems could be activated only by an observer.

9. Mr. HERBY (Observer for the International Committee of the Red Cross), said that, although the meeting was nominally a meeting on technical issues, the provisions under discussion, namely articles 2 to 6 of Protocol II and its technical annex, lay at the very heart of the land-mine regime. In the opinion of the International Committee of the Red Cross, the problem of anti-personnel mines would not be solved by the introduction of technical specifications on their manufacture, but only by a total ban. None the less, a number of specific comments on technical issues were called for.

10. The definition of an anti-personnel land-mine had to be clear and unambiguous and there was no reason why it should differ from the definition of a mine, other than by making it clear that the intended victim was a person. In his view the introduction of the word "primary" in article 2, paragraph 3, of the President's text weakened the definition, and therefore the Protocol. It made for uncertainty, which was detrimental to the legal regime governing the use of anti-personnel land-mines, which should not be allowed to escape the restrictions of the Protocol simply because they could also be used for another purpose.

11. As to detectability, the technical annex should specify the characteristics that would render a mine detectable by using easily available means. However, it should be kept in mind that experienced mine-clearance specialists had stressed the difficulty of finding mines in soils rich in iron and that the shape of the metallic element in the mine was of greater importance than its weight alone, thus raising the need to consider whether there was sufficient empirical proof that the present formulation, which referred to weight irrespective of shape, was useful for all soil types and situations.

12. With regard to the period of grace for rendering all mines detectable, he would point out that between 2 and 5 million mines, each of which cost up to US$ 1,000 to remove, were laid each year. The greater the cost, the slower the procedure. He also wished to place on record ICRC's disappointment at the failure to reach a consensus on assuring the detectability of anti-tank mines, which would have considerably helped mine-clearance teams and thereby protected both civilians and humanitarian workers.

13. It was clear that the reliability of self-destructing and self-neutralizing mechanisms had to be assured, not only for humanitarian and environmental reasons, but also because mines could severely hamper a

country's recovery from armed conflict. So far, the Conference had not discussed how the reliability of such systems was to be demonstrated. A major danger of such mines was that, since they would be considered relatively safe, they could be used in large quantities and without mapping, a practice that could effectively prevent large areas of land from being used. The grace period for the introduction of such mechanisms should be as short as possible, as any delay would add to the appalling figure of approximately 24,000 new victims each year. He also reiterated his organization's concern that the present formulation of article 5 of the President's text continued to allow so-called "dumb" mines to be laid in unfenced and unmarked areas during times of direct enemy military action. The formulation undermined the entire purpose of the proposed new regime and, if they were adopted as they stood, the proposed amendments would scarcely change the present situation.

14. Finally, the International Committee of the Red Cross had decided formally to support the proposal made in Vienna for a total ban on the transfer of anti-personnel land-mines within the context of the 1980 Convention. Such a total ban would also be in keeping with the recent General Assembly resolution concerning a moratorium on the export of anti-personnel land-mines, with a view to their eventual elimination. ICRC particularly welcomed the resolution adopted on 12 December 1995 by the Meeting of Foreign Ministers of the Organization of the Islamic Conference, which had supported the complete elimination of anti-personnel land-mines and which, in conjunction with the support for a total ban voiced by the Council of Ministers of the Organization of African Unity, the European Parliament and by 21 individual States, reflected a growing awareness that a ban on anti-personnel land-mines was the only solution to the current land-mine crisis.

15. Mr. de WERER (Observer for the International Federation of Red Cross and Red Crescent Societies) said that in December 1995, the International Federation and the International Committee of the Red Cross had unanimously adopted a resolution calling on all members to work for a total ban on land-mines, which was the only humanitarian solution to the problem. At the International Red Cross and Red Crescent Conference at the end of 1995, attended by 142 States parties to the Geneva Conventions, a resolution noting that the International Red Cross and Red Crescent Movement, together with a growing number of States, international, regional and non-governmental organizations had undertaken to work urgently for the total elimination of anti-personnel land-mines, had been adopted by consensus.

16. Everyone was were well aware of the enormous number of civilian victims of land-mines, most of whom suffered as a result of non-international armed conflict the consequences of which were felt for many decades after the actual fighting had finished. Whilst technical compromises might reduce the suffering caused by land-mines, they would not eliminate it, and some of the proposed measures on detectability, self-destruction and self-neutralization might in fact confuse the issue by making the Convention more difficult to apply and verify. Even with such restrictions, there was no military

justification for the use of land-mines, nor could anything justify the present and future suffering to civilians. The International Federation of Red Cross and Red Crescent Societies was committed to working for a total ban.

17. Mr. GOOSE (Observer for Human Rights Watch), speaking on behalf of the NGO Coordinating Committee, said that it was impossible for delegates to ignore the growing momentum of the International Campaign to Ban Land-mines, which mobilized Governments, international agencies, non-governmental organizations and other components of society at large. Recent actions had demonstrated the growing realization that the technological approach at the heart of many of the proposed amendments to Protocol II would be inadequate, and perhaps counterproductive, in solving the global land-mines crisis.

18. The willingness of more and more countries to renounce the use of anti-personnel land-mines also challenged the questionable claim that they were a military necessity and that it was pointless to seek a total ban. Governments should discuss the issue seriously, at length and also openly, so that their citizens could see what the position of the authorities was. The adoption of section D of General Assembly resolution 49/75 meant that nearly every country in the world had endorsed the eventual elimination of anti-personnel land-mines. The Campaign called on nations to move beyond paying lip service to that objective and to establish a timetable for banning those insidious weapons.

19. Since September 1995, the number of countries that had declared support for a total ban stood at 20, and he hoped that the statement by the representative of Switzerland was an indication that their number would shortly rise to 21. He called on those nations that had supported an immediate total ban on anti-personnel mines to form a working group to devise, coordinate and implement steps that would lead to a comprehensive ban on such weapons.

20. Lastly, the Women's International League for Peace and Freedom, on behalf of a number of members of the NGO Working Group on Women and Peace, had also prepared a statement that would be circulated to delegations. Countless women's organization throughout the world had stressed the urgent need for an immediate prohibition on land-mines, and the women of the world would continue to press nationally, regionally and internationally for their elimination.

21. Ms. ARIAS (Observer for Colombia), speaking on behalf of the members of the Non-Aligned Movement, drew the attention to the final document of the Eleventh Summit of Heads of State and Government of the Non-Aligned Movement, in which the non-aligned countries had expressed deep concern at the serious humanitarian problem caused by the presence of unexploded mines and other devices and at the large number of civilian victims. The Heads of State or Government had also expressed their concern at the indiscriminate use of anti-personnel mines, something which caused countless civilian victims, in violation of international humanitarian law. They had taken note of the decision by some countries to adopt a moratorium on the production of certain types of land-mines, and also of the most recent achievements of the Review

Conference. They had reiterated their support for the United Nations Voluntary Trust Fund for Assistance in Mine Clearance and had requested that countries which exported mines should, in particular, contribute to the Fund. Moreover, they had expressed the hope that the present resumed session would adopt additional measures on the prohibition and use of certain types of anti-personnel mines, together with further limitations and restrictions on the use of the weapons covered by the Convention, as well as specific measures to ensure full and unhindered access to the equipment and technology necessary to eliminate mines.

22. Mr. ERLICH (Austria) said that his delegation encouraged other countries to follow the example of Austria, which was perhaps one of the countries that came closest to a total ban on anti-personnel mines, as it neither produced, exported, used nor held stocks of such weapons.

ESTIMATED COSTS OF THE RESUMED SESSIONS (CCW/CONF.I/10)

23. Mr. KHERADI (Secretary-General of the Conference) drew attention to document CCW/CONF.I/10, which set out the estimated costs of the resumed sessions of the Review Conference. In accordance with the cost-sharing applied for the first phase of the Review Conference, the costs of the resumed sessions would be shared among the States parties to the Convention participating in the resumed sessions, based on the United Nations scale of assessment, pro-rated to take into account the number of States parties participating. States which were not members, and which accepted the invitation to take part in the sessions, would share in the costs to the extent of their respective rates of assessment under the United Nations scale. In the light of past experience, it was probable that the costs would be lower than estimated.

24. The PRESIDENT said that, if he heard no objection, he would take it that the Conference decided to agree with the estimation of costs as set out in document CCW/CONF.I/10.

25. *It was so decided*.

The meeting rose at 11.45 a.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.10
31 January 1996

ENGLISH
Original: FRENCH

Geneva, 15-19 January 1996

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva
on Friday, 19 January 1996, at 3.30 p.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

GENERAL EXCHANGE OF VIEWS (continued)

ADOPTION OF THE INTERIM REPORT OF THE RESUMED SESSION OF THE CONFERENCE

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The meeting was called to order at 4.05 p.m.

GENERAL EXCHANGE OF VIEWS (agenda item 12) (continued)

1. The PRESIDENT said that the Conference had held a week of intensive discussion of the technical and military issues raised by revised draft Protocol II. Progress had been made and the state of the negotiations, as he understood it was reflected in document CCW/CONF.I/WP.4*/Rev.1, which would serve as a basis for the work of the Conference when it resumed in April 1996.

2. Mr. MOHER (Canada) said that on 26 September at Vienna, Canada had expressed its firm belief that the objective of the international community should be the elimination of anti-personnel land-mines. Canada had also recognized that it would take considerable time to achieve that objective.

3. Just two days previously, on 17 January 1996, the Canadian Minister of Foreign Affairs and the Minister of Defence had jointly announced that Canada had declared a comprehensive unilateral moratorium on the production, export and operational use of anti-personnel land-mines. That decision had been carefully considered, and Canada had weighed up the military utility of those weapons and the humanitarian consequences of their use. For decades, the use of land-mines had been a part of Canada's military doctrine. Furthermore, over the years, Canada had acquired often painful experience of peace-keeping and demining throughout the world, valuable experience that would continue to be used. Canada's stocks of anti-personnel land-mines would now be used to train mine-clearance specialists.

4. Canada was not alone in reaching the conclusion that a moratorium was possible and hoped that many other countries would follow suit. It would, moreover, continue its efforts to promote universal adherence to new international norms concerning the prohibition and restricted use, and ultimate elimination, of anti-personnel land-mines.

5. Mr. de ICAZA (Mexico), referring to the principal elements in his Government's position regarding draft revised Protocol II, said that complete elimination of all types of mines was the only way to put an end to the ravages they caused among the civilian population. Mines struck at combatants and civilians alike and their use was incompatible with the principles of international humanitarian law. Mexico neither possessed nor used mines, nor did it manufacture them, nor did it grant licences to do so. If a total prohibition on land-mines was adopted, a strict and effective international verification system should be established.

6. The present negotiations were moving towards the adoption of partial restrictions on the use of mines, restrictions which would be complicated to apply and which would, moreover, take time to lead to no more than limited protection for civilians. Mexico regretted that it was not possible to decide on more effective prohibitions. However, it would not stand in the way of any consensus that might be reached at the resumed session in April 1996, as any

progress towards protecting civilians should be encouraged. His delegation would participate in efforts to make improvements, however modest, to the restrictions that currently applied to the use of mines. It shared the President's view that some of the proposals considered over the past week could make for greater convergence regarding the technical and military issues raised by the revised draft Protocol. When the session resumed in April, it would be necessary to consider the requisite machinery for cooperation and consultation in connection with the restrictions that might be adopted on the use of mines.

7. Mexico would continue to foster the spirit of compromise and flexibility shown by delegations, while bearing in mind the importance of avoiding any retrograde steps in respect of the Convention and the Protocols.

8. Mr. WIMMERS (United Nations Department of Humanitarian Affairs), speaking on behalf of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and the Department of Humanitarian Affairs, said that one of the main tasks before the Conference was to find a durable solution to the severe humanitarian crisis caused by 110 million land-mines scattered through 68 countries around the world. Each year, those mines killed 10,000 people - mainly civilians - and maimed probably 20,000 others. Each year between 2 and 5 million mines were laid, whereas only 100,000 were removed.

9. In Vienna, the debate on the amendment of Protocol II had become deadlocked over technical issues, thus necessitating two resumed sessions in 1996. Some progress had been made during the past week, although the negotiations had again stalled on the technical details of a complicated system of restrictions. However, technical solutions did not adequately take account of the humanitarian dimensions of the land-mine problem. It was high time for bold political commitments to end the proliferation of those weapons.

10. Only a total ban would achieve that goal. The Secretary-General of the United Nations had given a strong lead in that position and his example had been followed by the Inter-Agency Standing Committee, a body comprising the heads of humanitarian agencies. Public opinion expected the international community to take the necessary steps for a total ban. Throughout the world, non-governmental organizations were actively campaigning for that issue and had been strongly represented both at the Vienna and Geneva sessions of the Conference. Twenty countries had so far joined the call for a total ban on land-mines.

11. The Conference should grasp the opportunity and convey a strong message that the international community was effectively moving towards that goal. It was eminently possible to prevent the human tragedy caused by the use of mines and it was vital for the States parties to the Convention to reconsider their positions and step up their efforts to achieve the goal of a total ban on land-mines when the Conference reconvened in April.

12. The PRESIDENT invited the representatives of the non-governmental organizations, For Humanity's Future and Human Rights Watch, to take the floor under article 49 of the rules of procedure.

13. Mrs. CURRY (Observer for Humanity's Future (FHF)), speaking on behalf of the association For Humanity's Future (FHF) and of several other international NGOs that were deeply concerned by the human tragedy caused by anti-personnel mines, said that the production, transfer, stockpiling and use of anti-personnel land-mines of any kind were a flagrant violation of human rights and of the rights of the child, and of the relevant international conventions: they were a crime against humanity, and the only possible response was a complete prohibition of those weapons.

14. Governments should stop developing more sophisticated versions of such weapons and prepare, before the resumption of the session in April, the necessary legislative measures to bring about a complete prohibition of anti-personnel land-mines and launch a massive clean-up to intensify demining of infested territories. Moratoriums were not a solution, as they provided no guarantee for the future. In addition, strict provisions could be developed, in conformity with international law, so as to regulate the use of anti-tank mines for national border security in specified marked areas.

15. Governments could reach a consensus on the prohibition of anti-personnel land-mines. They had a historic opportunity to do so, as a tangible contribution to peace and security. The Secretary-General of the United Nations and the International Committee of the Red Cross deserved credit for their constant and firm position calling for such a prohibition. The Government of Switzerland and several other Governments, which were unfortunately still in a minority, supported that measure and should also be commended. Lastly, as a citizen of Canada, she expressed her appreciation to the representative of Canada for his most encouraging statement.

16. Mr. GOOSE (Observer for Human Rights Watch), speaking on behalf of the International Campaign to Ban Land-mines, said that tireless efforts had been made at the Conference during the past week, but they had been misguided: there was no technical solution to the tragedy of the use of land-mines. The only genuine solution was a total ban. Almost all nations had accepted that ultimate goal, although it had become perfectly clear that many Governments had no intention of directing their efforts to that end. They preferred to content themselves with pursuing complicated new restrictions on the use and transfer of land-mines. Defence specialists continued to stress the military value of those weapons and diplomats did their best to accommodate them.

17. Governments still asserted the need to be satisfied with a step-by-step approach to the problem. It was difficult to put that message across to the 70 persons who were wounded every day by land-mines and would perhaps never take a step again. If such an approach had to be adopted, it should at least quickly and unfailingly lead to a ban. The International Campaign strongly

supported the first step taken by some 45 countries which had declared a halt to the export of anti-personnel mines. Countries should continue along that path and suspend or prohibit the production and use of anti-personnel mines.

18. The International Campaign to Ban Land-mines would continue to encourage nations to ratify the Convention so as to promote measures that would lead to a ban. The Review Conference had so far made little practical progress, although it had made Governments and public opinion aware of the scale of the land-mine problem. It was to be hoped that Governments and agencies other than States would, as a result, appreciate the need strictly to adhere to international law with regard to land-mines, which had not been the case in the past. However, compliance with what everyone hoped would be an improved Protocol II should not simply reduce the civilian toll. It should also entail no use of anti-personnel land-mines, because they were indiscriminate and failed the proportionality test: the negative impact on civilians far exceeded the military benefit.

19. The participants in the International Campaign were disturbed to note that the positions of most countries had advanced little since the Vienna part of the session, at which they had applauded the decision to adjourn rather than compromise further on a very bad protocol. However, NGOs did not measure progress in the effort to ban land-mines by the length of the life-span or the reliability factor of a self-destructing or self-deactivating mechanism. Progress was the announcement by the Government of Canada of a prohibition on the production, transfer or use of anti-personnel land-mines, the statement by Switzerland in support of a total and immediate ban on those weapons and the similar announcements made by the Philippines, Uruguay, New Zealand, Mozambique, Denmark and Austria. The total number of States that supported a ban was 22. Those States were prepared to begin a coordinated effort at the governmental level to achieve the objective. It was to be hoped that their number would continue to increase rapidly, thereby changing the nature of the debate, so that technical issues would be set aside in order to focus on the only possible humanitarian solution, which was a total ban on land-mines.

20. The PRESIDENT said that Jordan, Togo and Uganda had recently deposited their instruments of acceptance of the Convention and the Protocols or of accession thereto, as indicated in document CCW/CONF.I/INF.3/Add.3.

ADOPTION OF THE INTERIM REPORT OF THE RESUMED SESSION OF THE CONFERENCE (CCW/CONF.I/CRP.6)

21. Mr. KHERADI (Secretary-General of the Conference), introducing the draft interim report of the resumed session of the Conference, said that, in paragraph 4, Mongolia should be added to the list of States parties which had participated in the resumed session and, consequently, the figure 42 should be replaced by 43 in the introductory part of the paragraph. Paragraph 9 referred to a list of documents. The list had been distributed without a symbol. Document CCW/CONF.I/INF.8, which contained the final list of participants, and document CCW/CONF.I/CRP.6, which would be issued under a new symbol after it had been adopted, should be added to the list.

22. The draft interim report of the resumed session of the Conference (CCW/CONF.I/CRP.6), as amended, was adopted.

23. The PRESIDENT said that the work of the Conference was far from over. The past week had been particularly valuable, making it possible not only to prepare new texts and to reach new agreements, but also to develop a congenial atmosphere in which delegations had done their utmost to understand one another and harness their efforts. He hoped that the impetus would be maintained and that countries would take advantage of the period leading up to the resumption of the session in April to review their positions and continue consultations on the various issues pending, while endeavouring to satisfy each other's concerns. If they managed to do so, a successful conclusion, however modest, could be counted on at the third part of the session in April-May 1996.

The meeting rose at 4.45 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.11
29 January 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 April 1996, at 10.30 a.m.

President: Mr. MOLANDERI (Sweden)

CONTENTS

STATEMENT BY THE PRESIDENT

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

GENERAL EXCHANGE OF VIEWS

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Any corrections to the records of the meetings of the Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

The meeting was called to order at 10.45 a.m.

STATEMENT BY THE PRESIDENT

1. The PRESIDENT declared open the second resumed session of the Review Conference. At the January session, the Conference had held intensive discussions on articles 2 to 7 of Protocol II and its Technical Annex with a view to finding acceptable compromises that would strengthen the provisions of Protocol II. Since then, the "President's text" (CCW/CONF.I/WP.4), which had served as the basis of the work of the Conference, had been further revised, reflecting the progress achieved and the state of the negotiations.

2. A critical stage of the negotiations had now been reached in which it was expected that the work on Protocol II and its Technical Annex would be finalized and the review of the operation of the Convention and its Protocols as a whole concluded. The Conference had to work towards that end result, since there was no time for prolonged negotiations. At the current session, articles of the Convention still under discussion would therefore be finalized and work on a Final Declaration of the Conference would be concluded. The heavy programme ahead would require additional time and resources and flexibility in its implementation.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

3. Mr. PETROVSKY (Director-General, United Nations Office at Geneva), conveying a message as personal representative of the Secretary-General, said that he (the Secretary-General) again wished to emphasize the urgency of the matters before the Conference. Differences of view must not mar the opportunity to keep the issue of land-mines on the international agenda and to bring about further progress towards the ultimate goal of their elimination. The magnitude of the problem posed by the millions of land-mines scattered around the world had deepened the understanding that the international community could deal with it only through coordinated action and United Nations personnel were increasingly involved in mine clearance in many countries.

4. The United Nations had taken the lead in calling for a ban on what were often described as "weapons of mass destruction in slow motion". Land-mines had devastating effects on the population in areas infested with them and made vast areas of land unavailable for development. He was encouraged that the number of Member States which had declared unilateral moratoria relating to the transfer, production or reduction of existing stockpiles of anti-personnel land-mines had continued to rise.

5. It was his hope that the efforts of the Conference would strengthen the Convention and Protocol II. Agreement should be possible on issues such as the extension of the scope of application to conflicts not of an international character and on stringent restrictions on the use and transfer of anti-personnel land-mines. Universal adherence to the Convention was an

imperative necessity and he reiterated his appeal to all States which were not parties to the Convention to initiate or complete the procedures required for ratification or accession.

6. He urged the Conference to demonstrate the necessary flexibility and compromise to reduce the tragic consequences of land-mines. Failure to agree on severe restrictions on their use and transfer would seriously jeopardize the objective of their eventual elimination, a goal that would require the utmost determination and dedicated pursuit.

GENERAL EXCHANGE OF VIEWS

7. Mr. SOMMARUGA (Observer for the International Committee of the Red Cross) said that the Review Conference and its preparatory process had already played an indispensable role in focusing government attention on the need for action to stop the killing and maiming caused by land-mines. The process had been a catalyst for the review by many Governments of their policies on the production, use and transfer of those devices. Eight States had suspended or renounced the use of anti-personnel mines by their own armed forces and the number of States supporting their total prohibition had risen to 29 since Vienna. Those actions reflected a clear trend towards the complete prohibition of anti-personnel mines. He urged Governments to do their utmost to take additional national and regional steps to ensure that anti-personnel mines were no longer produced, used or transferred.

8. While the Conference had focused on strengthening restrictions on the use of anti-personnel mines, it appeared to be about to adopt a definition (art. 2, para. 3 of the "President's text") which would introduce a dangerous ambiguity by referring to a weapon "primarily designed to be exploded by the presence, proximity or contact of a person". If that definition were adopted, any other achievements of the Conference could in time be subverted by the possible abuse to which it might lead. If a munition was designed to be used as an anti-personnel mine as well as for some other purpose, it should clearly be considered an anti-personnel mine and be regulated as such. Future technology seemed likely to lead to smaller and cheaper mines with both anti-personnel and anti-tank characteristics. In ICRC's view, anti-personnel mines should be defined as those "designed to be exploded by the presence, proximity or contact of a person". The introduction of ambiguity into that crucial definition could over time weaken the protections against anti-personnel mines which the Conference was mandated to strengthen.

9. Referring to the other issues which ICRC considered to be important at the current stage of negotiations, he said that only the complete prohibition of anti-personnel mines would be effective; if that could not be achieved by consensus in the Conference, States should consider taking unilateral action as a means of fulfilling their humanitarian obligation to protect their own population and territory in the event of armed conflict. A recent ICRC study on the military use and effectiveness of anti-personnel mines had highlighted the difficulty of using those weapons according to legal and doctrinal norms and the fact that their effectiveness was limited.

10. In keeping with existing moratoria in most mine-producing countries, the transfer of anti-personnel mines should be prohibited within the framework of the Convention. Provisions on transfers adopted by the Conference should be as far-reaching as possible so as not to constitute a retreat from current practice.

11. Other amendments should enter into force in the shortest possible time. Transition periods of years or decades could compound the land-mine crisis. In order to protect civilians and humanitarian workers, anti-tank mines must be made detectable and anti-handling devices must not be permitted. The strongest possible protection should be provided, under draft article 12, to missions of humanitarian organizations as an expression of the commitment States had made, when they had acceded to the Geneva Conventions and their Additional Protocols, to providing access to war victims. The scope of the Convention must be extended to non-international armed conflicts and effective measures for its implementation must be added. Future Review Conferences should be held on a regular basis every five years to ensure further the development and effective implementation of the Convention.

12. Recent actions by States had demonstrated that neither the public conscience, Parliaments nor Governments lacked the means to act with regard to land-mines. The Review Conference had both the opportunity and a moral obligation to contribute to ending the scourge, as it had done with the threat of blinding laser weapons.

13. Prince NICOLAS (Liechtenstein) said that his delegation regretted that Protocol II had not been strengthened at the January session of the Review Conference and hoped that the second resumed session would make progress toward tightened provisions, but also the adoption of a revised Protocol. However, the worldwide proliferation of anti-personnel mines could not be stopped by technical regulations on their use, but only by a total ban. As a small country with no armed forces, Liechtenstein lacked the military expertise to participate in technical discussions on mine adaptation. It nevertheless shared the concern expressed by the Secretary-General of the United Nations about the devastation caused by land-mines and attached great importance to the Convention and, especially, Protocol II and had therefore decided to contribute SwF 10,000 to the United Nations Voluntary Trust for Assistance in Mine Clearance.

14. Mr. HARTMANN (Germany) said that his Government had recently decided completely to renounce the use of anti-personnel land-mines even if the current session of the Review Conference failed to take a decision on the matter.

15. Baron GUILLAUME (Belgium) said that public opinion expected the current session of the Conference to provide at least a partial solution to the problems caused by the proliferation of anti-personnel mines. The scope of the Convention must be extended to cover non-international armed conflicts; the ambiguity of the text under discussion appeared to be the result of ulterior motives in contradiction with the officially stated goal.

16. Despite the enormous stocks of undetectable anti-personnel mines and the security issues at stake, all anti-personnel mines must be made detectable. The wording of the current text, which allowed for a period of transition which might be measured in decades, was unacceptable. The revised text must also include as general as possible a prohibition of the transfer of anti-personnel mines. While his country did not underestimate the importance of a strengthened version of Protocol II, it considered that the true solution was the total and universal elimination of anti-personnel mines and called for a universal convention on their prohibition.

17. Mr. WALKER (Australia) said that, in response to widespread domestic and international concern, his Government had reviewed its policy on anti-personnel mines. It had decided to support a global ban on the use, transfer, production and stockpiling of such mines and had unilaterally suspended their operational use by the Australian Defence Force except in the case of a threat to the country's security where failure to deploy such mines would result in additional Australian casualties. Australia did not produce and would not export anti-personnel mines and its Defence Force would retain stocks of such mines for training and research purposes only. While Australia had never used anti-personnel mines except in conformity with international legal and humanitarian norms, it now considered that the only sane response was to eliminate them as a weapon of war. Pending a global ban, it urged States parties to drop their demands for long phase-in periods for new obligations and to endorse mandatory perimeter marking for mines which did not comply with the proposed new standards. It hoped that other countries would support a total ban and that Governments would adopt concrete unilateral measures as an example to other countries.

18. Mr. SANCHEZ ARNAU (Argentina) said that his country's ratification of the Convention was part of a broader disarmament policy which included Argentina's active support of, and participation in, United Nations activities to reduce or eliminate the use of land-mines and the Organization's demining projects in the former Yugoslavia, Central America and, currently, Kuwait.

19. Argentina considered that the Convention must be expanded to cover non-international armed conflicts and that there must be more stringent limitations on, or the prohibition of, the use and transfer of anti-personnel mines. All anti-personnel mines, without exception, should be equipped with detection devices and anti-handling devices on such mines should be prohibited or, at least, not function beyond the active period of the mines. Mines, and particularly remotely delivered anti-personnel mines, should be equipped with self-destructing and self-neutralizing mechanisms. The Convention should also envisage requirements for the detectability, self-destruction and self-neutralization of anti-tank mines. Argentina would continue to support the ban on the transfer of mines prohibited under Protocol II and the requirement that mines permitted under the Convention should be transferred only between States parties to it. Because of the low cost and high availability of land-mines, moreover, any further prohibition on or restriction of their use must be accompanied by verification procedures, which were lacking in the 1980 Convention.

20. Mr. WANG Jon (China) said that the international community should take urgent measures to reduce civilian casualties and suffering caused by the irresponsible use of anti-personnel land-mines. His Government would exercise the utmost restraint and strict control on their export. Pending the entry into force of the revised Protocol, it would implement a moratorium on the export of those mines which were not in conformity with its technical specifications on detectability, self-destruction and self-deactivation mechanisms and would ban the export of booby-traps.

21. Mr. Hwang Yong SHIK (Republic of Korea) said that the countries most seriously affected by anti-personnel land-mines were usually those with the fewest available resources for demining. As a token of its support of the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, his Government had made a voluntary contribution of US$ 100,000. It planned further to extend its one-year export moratorium on anti-personnel land-mines, which had first been announced on 28 September 1995.

22. Long after the cessation of active hostilities during the Korean War, many Korean civilians had suffered great injuries from hidden mines on former battlefields. Even today, the 155-mile demilitarized zone dividing the Korean Peninsula was one of the most densely mined regions in the world. An enormous amount of time and effort would be needed to demine the 72-square-mile area.

23. Although his country was not yet a party to the Convention because of its unique security concerns, it had shown great interest in efforts to strengthen Protocol II and was seriously considering its accession to the amended Convention in the near future. His Government was basically in favour of the proposals in the "President's text" for further restrictions on the use of land-mines, providing that several remaining issues were resolved at the current session. Careful consideration should be given to balancing humanitarian objectives with the use of land-mines for defence purposes. He stressed the importance of technological assistance and technology transfer in enabling States to comply with the provisions of the Protocol. Unless an appropriate arrangement on that matter was worked out, many States lacking the relevant technological resources would be reluctant to accept the obligations of a strengthened Protocol II, regardless of their humanitarian concerns. The new Protocol should also include a credible and effective verification mechanism for ensuring compliance.

24. Mr. KLINGENBERG (Denmark) said that his country continued to support all steps leading to the eventual elimination of all anti-personnel land-mines. In the light of that policy, the Danish Minister of Defence had decided in March to commission a study on the need for such mines in the Danish armed forces. The consequences of a total or partial substitution of anti-personnel land-mines would be examined, taking into account alternatives deemed adequate from a defence point of view. The study would be completed in the spring of 1997, in time for a general review of the future organization of the Danish armed forces.

5. Mr. SKOGMO (Norway) said that a total global ban on the production, stockpiling, transfer and use of anti-personnel mines would ensure greater transparency and be easier to enforce than mere stronger restrictions. Throughout the negotiations, his country had consistently advocated a total ban. In 1995, it had declared a moratorium on the production, stockpiling, transfer and use of anti-personnel mines. All anti-personnel mines currently found in Norwegian armed forces stockpiles would be removed and destroyed - according to the present schedule, by 1 October 1996.

26. When dealing with the land-mine problem, humanitarian ideals would be best served if political stances were backed up by measures that would have the maximum practical effect. In that context, it could not be accepted that basic humanitarian concerns should give way to military requirements.

27. Mr. KRYLOV (Russian Federation) said that draft Protocol II embodied the new concept of moving within a reasonable period of time from "long lived" mines to those with a limited service life and, hence, to more selective and humane ones. His country greatly appreciated the desire of most Conference participants to extend the revised Protocol to cover armed conflicts of a non-international nature. The provision on international, including technological, cooperation was crucial. Proposals aimed at improving the transparency of the future Protocol were also useful. The temptation of raising the requirements in the Protocol, particularly in the military sphere, should be resisted so as to avoid frightening away potential parties to the Convention. A maximalist approach would destroy the work which had already been done.

28. Monsignor CARRASCOSA (Holy See) said that, on 21 April, Pope John Paul II had called on all those responsible to ban the production, trade in and use of anti-personnel mines. There was a contradiction in some of the decisions taken by the international community. On the one hand, efforts were being made on behalf of children and, on the other, children were the most numerous innocent victims of land-mines. On the one hand, efforts were being made to return refugees and displaced persons to their countries of origin, while, on the other, they were often discouraged and prevented from returning by their fear of mines, which the world had not yet succeeded in outlawing. On the one hand, there were economic benefits for the producing countries, although at the expense of the population of the countries that bought that "weapon of the poor", while, on the other hand, the entire international community was forced to make disproportionate efforts to provide humanitarian assistance to the victims of such weapons and for demining. Courageous decisions were needed in that regard, as such problems would not be solved by laying down certain requirements that anti-personnel land-mines were supposed to meet. The only solution, rather, lay in their prohibition.

29. Mr. ANDERSON (Ireland) said it was imperative that the political and substantive message resulting from the statements of national policy on land-mines made at the Review Conference should be fairly reflected in the

work of the Conference and in the amended Protocol which emerged from it. Otherwise, the review process would be seen to be out of step with trends in the real world and its credibility would suffer.

30. As one of a tiny handful of countries to have advocated a total ban on land-mines during the very early stages of the preparatory work for the Conference, Ireland had been heartened by the steady increase in the number of countries that had in the meantime come to share the view that the only way to solve the catastrophic problems created by land-mines was to eliminate them. In particular, he commended those countries which had reversed long-established policies and practices to suspend, end or prohibit the operational use, production, stockpiling and export of anti-personnel land-mines.

31. The proposed detectability standard for all anti-personnel land-mines without exception should apply at the earliest possible date, with significant constraints in any phase-in period. The reliability standard for the required self-destruction and self-deactivation features of remotely delivered anti-personnel land-mines should be unambiguous, with particular attention to the phase-in period during which only the self-detection feature could be present. To the extent possible, corresponding requirements should apply to anti-tank mines as well. The Protocol should also address the problem of anti-handling devices.

32. Ms. FORSYTH (New Zealand) said that her Government had today announced a decision to renounce the use by the New Zealand Defence Force of anti-personnel land-mines, with immediate effect. While that Force had not used such mines since the Korean War and held no stocks, the formal renunciation of their use reflected her Government's concern at the horrific and ongoing effect of land-mines worldwide.

33. New Zealand's preference for the outcome of the Conference was that it should agree on an immediate ban on the use of anti-personnel land-mines. At the least, it should adopt measures which would bring it that much closer to a ban on their use and should put in place procedures enabling the situation to be reviewed at an early date.

34. New Zealand would continue to contribute personnel to demining operations in a number of countries and had recently made a three-year pledge to the Voluntary Trust Fund for Assistance in Mine Clearance. Only a ban on the use of land-mines, however, would provide a long-term solution.

35. Mr. GORGOL (Czech Republic) welcomed the progress made in many areas following the first two sessions of the Review Conference. There was a common understanding of the need to introduce effective restrictions on the production, transfer and use of anti-personnel land-mines and his country, together with many others, had declared a comprehensive moratorium on their transfer. Unfortunately, a large number of key issues, mostly technical, remained unresolved.

36. Most non-governmental organizations called for a global and comprehensive ban on all anti-personnel land-mines. Even the most stringent possible prohibitions would, however, not solve the greatest existing problem, namely, the nearly 110 million land-mines already laid. Immediate concrete and effective measures should be taken to clear large areas of mine fields that had been laid in 64 countries, including Angola, Somalia and Bosnia and Herzegovina, and his country had repeatedly announced its willingness to participate in such operations.

37. The Convention covered a limited number of categories of weapons, but also offered a framework for further development. The adoption in Vienna of new Protocol IV prohibiting blinding laser weapons and covering both their use and transfer appeared to be the best indication of how to strengthen the Convention and extend it to other categories of conventional weapons. The issue of land-mines had been given priority because of its urgency and its humanitarian aspects, but his delegation was confident that naval mines and small-calibre weapons would also be dealt with in the near future.

38. Mr. ZACKHEOS (Cyprus) said that mines, especially anti-personnel mines, were a detestable weapon whose impact was far in excess of its military utility. At least 250,000 people had reportedly been disabled by land-mines and their number was increasing. The use of mines also had an extensive impact in the form of medical care and loss of manpower and land. His Government was committed to the full implementation of the decisions taken at the current session, which it hoped would be the last.

39. Cyprus had associated itself with the efforts of the European Union to promote the success of the Conference and also supported the objectives of the joint action adopted by the European Union. Despite the fact that a substantial part of its territory was under foreign occupation, his Government was currently restricting the use of anti-personnel mines and had officially proposed the full demilitarization of the island.

40. Mr. MADEY (Croatia) said that his country had from the very beginning supported efforts to restrict the use, production, stockpiling and transfer of land-mines. As previously stated, it advocated a total ban on anti-personnel land-mines as a significant first step towards a total ban on all land-mines. His Government was also seriously considering the unilateral declaration of a moratorium on the production, stockpiling, transfer and use of all anti-personnel land-mines, which it hoped to be able to announce by the end of the session.

41. His country understood that land-mines were both a human problem, with catastrophic consequences for human beings and a military and political issue of major proportions. Its concern was even greater because it had been the victim of aggression in which land-mines had been used on a large scale. Between 1991 and 1996, 271 Croatian children had been killed by land-mines and 972 injured; the figures for adults were even more terrifying. Other damage

inflicted by land-mines, affecting tourism, agriculture, the cost of mine clearance, etc., was still to be calculated; the total figure was certainly enormous.

42. The Republic of Croatia was neither a producer nor an exporter of land-mines and therefore unhesitatingly supported the restrictions to be included in the Protocol under consideration by the Conference. The task before the Conference was of extreme importance and would also be under strict scrutiny by the public, which expected definite results. The adoption of the new text of Protocol II had never been closer.

43. He stressed the importance of mine clearance, by which thousands of lives might be saved and hundreds of thousands of refugees and displaced persons might return to their homes, as foreseen in the international and bilateral documents Croatia had signed. Demining also meant the possibility of developing tourism and other branches of Croatia's economy on which it strongly depended. As a necessary step, Croatia had recently adopted a law on mine clearance and had already approached various international organizations for assistance in that area. It had also responded positively to a proposal that a "mine action" centre should be established in Croatia, entailing not only the financing of mine clearance operations, but also the training and education of staff and the transfer of technology. The clearing of approximately 3 million land-mines on Croatian soil would take at least three years and would be a particularly serious operation in eastern Slavonia, Baranja and Western Serbia, the last parts of Croatian territory not under the control of the Croatian authorities. He expected that the peaceful reintegration of that area would be completed by the end of the year.

44. Mr. BOULLE (United Nations Department of Humanitarian Affairs) welcomed the fact that an increasing number of countries supported the total ban on land-mines as the only viable solution to the humanitarian crisis caused by land-mines. That course of action was not only morally right, but politically and militarily viable. No military consideration could outweigh the devastating effect of those weapons.

45. Land-mines killed indiscriminately and would continue to do so. There should be no further delay in the implementation of a meaningful regime to stop the proliferation of those weapons. Transition periods as currently being discussed would only allow the senseless killing to continue. Another 20 years of the indiscriminate use of those weapons would result in more than 200,000 innocent people killed unnecessarily. That was an avoidable tragedy that the Conference had the historic opportunity to prevent.

46. He shared ICRC's concern about the inclusion of the word "primarily" in the definition of anti-personnel land-mines. That would seriously weaken the application of the restrictions on anti-personnel land-mines, as it would exclude "hybrid" mines that were not "primarily" designed as anti-personnel mines, but could be activated by individuals. Strong restrictions on transfer and a meaningful system for verification and compliance were necessary

measures to safeguard the Protocol. In addition, the Review Conference should maintain momentum towards a ban by providing for a further review of the Protocol at the earliest possible time.

47. Ms. WILLIAMS (International Campaign to Ban Landmines) said that, although the Campaign's goal - an immediate, complete ban on anti-personnel mines - had been called "utopian" when it had begun its work in 1991, its call for a ban had now been joined by 30 countries, 450 NGOs, numerous organizations and important religious and political leaders. While it recognized the importance of the review process, without which such dramatic progress might not have been made, it was discouraged that the changes to the Convention were not likely to be more far-reaching and immediate. Since the end of the first session of the Review Conference in October 1995, more than 13,700 people had been killed and maimed throughout the world by land-mines. In Cambodia, in Battambang Province alone, land-mines had claimed 791 victims since 13 October. She invited delegations and NGOs to view the display of photographs of those victims, a "Wall of Remembrance" to those who had been and those who would inevitably become victims of land-mines.

48. A plan under consideration by her country, the United States, would "phase out" the use of land-mines by the year 2010, but, during that same period, 390,000 more people would be killed or maimed by them. How many more people would fall victim before the international community had banned anti-personnel mines?

49. For those whose lives had been destroyed by land-mines, it was too late. But what was to happen in Geneva over the following two weeks was important. Whatever the outcome in Geneva, however, Governments would make a difference; the momentum of change had begun. She hoped the international community understood that the International Campaign to Ban Landmines would not end its work until anti-personnel land-mines had been removed from the arsenals of the planet.

50. Mr. AGA (Afghan Mine Clearance Planning Agency) said that Afghanistan was one of the most severely mine affected countries, infested by nearly 10 million land-mines. A survey of the mine situation in Afghanistan conducted by his Agency in 1993 had revealed the presence of land-mines in more than 1,000 Afghan villages. In addition to killing and maiming thousands of innocent civilians, land-mines kept thousands of refugees from returning to their homes, destroyed food and water sources, created new refugee flows and hampered relief and reconstruction activities. There were currently over 400,000 mine amputees in Afghanistan and their number was increasing by at least 12 persons a day.

51. The destructive consequences of land-mines outweighed their short-term military utility by an extremely large margin. Almost all political factions in Afghanistan had agreed not to use land-mines during their internal conflicts. At a recent meeting between Western diplomats and the

Prime Minister of Afghanistan and officials of the Ministries of Defence and Foreign Affairs, the Prime Minister had reconfirmed Afghanistan's position on a comprehensive ban on land-mines.

52. On 16 April, he had visited 3 hospitals in Kabul, each of which admitted an average of 15 mine victims per week. Between 10 February and 10 April, a total of 885 civilian victims of land-mines had been admitted to hospitals in Afghanistan; as less than 40 per cent of the victims reached the hospital, casualties represented only a fraction of the problem represented by land-mines.

53. The only way to stop the killing and maiming was to agree on a total ban and a strong compliance verification mechanism. He came from a place where the devastating impact of land-mines was seen and felt on a daily basis and had lost many good friends in land-mine explosions. If the participants in the Conference thought that a ban was an unreasonable proposal, they should come to Kabul to see the tragedy for themselves.

54. Mr. WALKER (Observer for the International Federation of Red Cross and Red Crescent Societies) said that the position of the Afghan Red Crescent, the Cambodian Red Cross, the Somali Red Crescent, 166 other Red Cross and Red Crescent Societies throughout the world and 132 million Red Cross and Red Crescent volunteers was 100 per cent support for a total ban on anti-personnel land-mines. A growing number of States were expressing support for a total ban and the world was moving in that direction. It was only a question of time. The Conference had two weeks before it to move as far as possible towards that goal; if it did not seize that opportunity, the world might not have another chance. In no more than five years' time, there should be a new, and hopefully final, Review Conference.

The meeting rose at 12.55 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON HE PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.12
14 May 1996

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Second resumed session
Geneva, 22 April-3 May 1996

SUMMARY RECORD OF THE 12th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 April 1996, at 5.30 p.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

CONSIDERATION OF ANY PROPOSAL FOR THE CONVENTION AND ITS EXISTING PROTOCOLS (continued)

REVIEW OF THE SCOPE AND OPERATION OF THE CONVENTION AND ITS ANNEXED PROTOCOLS (continued)

MESSAGE TO THE CONFERENCE FROM H.M. KING NORODOM SIHANOUK

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The meeting was called to order at 5.20 p.m.

CONSIDERATION OF ANY PROPOSAL FOR THE CONVENTION AND ITS EXISTING PROTOCOLS (agenda item 14) (continued) (CCW/CONF.I/CRP.19)

1. The PRESIDENT noted that the Conference had considered the revised draft of Protocol II and the Technical Annex (CCW/CONF.I/CRP.19) at an informal meeting. He believed that the Conference wished to submit the document to the Drafting Committee and consider it again at a plenary meeting once the necessary changes had been made, pursuant to rule 36 of its rules of procedure.

2. Mr. AKRAM (Pakistan) said that his delegation, although aware of the enormous efforts that had been necessary to arrive at the text in question, could unfortunately not accept it as currently drafted. It hoped that its concerns and the proposals it had made with a view to reaching a compromise would be taken into account by the Conference.

3. The PRESIDENT pointed out that it was not necessary for texts submitted to the Drafting Committee to be final and previously agreed. As to the working method to be used by the Drafting Committee, he noted that, under article 8 of the Convention, the High Contracting Parties were entitled to propose amendments to the Convention or any annexed Protocol. Instead of making amendments to the articles of Protocol II, the States parties had chosen to review the entire regime applicable to land-mines, making extensive drafting changes and leaving only a few provisions unchanged. For that reason, with the approval of the Conference, he intended to ask the Drafting Committee to consider the revised draft of the Protocol as negotiated and as contained in document CCW/CONF.I/CRP.19 rather than undertake the difficult task of considering the amendments separately from the text.

4. If he heard no objections, he would take it that the Conference wished to submit to the Drafting Committee the revised draft of Protocol II and the Technical Annex as contained in document CCW/CONF.I/CRP.19.

5. It was so decided.

REVIEW OF THE SCOPE AND OPERATION OF THE CONVENTION AND ITS ANNEXED PROTOCOLS (agenda item 13) (continued) (CCW/CONF.I/WP.1/Rev.1; CCW/CONF.I/MC.I/CRP.10)

6. The PRESIDENT drew the attention of delegations to the draft Final Declaration (CCW/CONF.I/WP.1/Rev.1) and to document CCW/CONF.I/MC.I/CRP.10, containing a compilation of proposals for the draft. He invited the Chairman of Main Committee I to introduce the texts.

7. Mr. TOTH (Hungary), speaking in his capacity as Chairman of Main Committee I, said that the two documents represented the greater part of the Committee's work. Document CCW/CONF.I/WP.1/Rev.1 contained wording from the draft Final Declaration which delegations had endorsed in Vienna and

during the second part of the session of the Conference. Document CCW/CONF.I/MC.I/CRP.10 contained the parts of the draft Final Declaration concerning which agreement had not yet been reached.

8. The PRESIDENT said that, in his understanding, the Conference did not intend to submit either the draft Final Declaration or the draft report to the Drafting Committee and that it preferred to consider both texts at a subsequent meeting. If he heard no objection, he would take it that the Conference agreed.

9. It was so decided.

MESSAGE TO THE CONFERENCE FROM H.M. KING NORODOM SIHANOUK

10. Mr. MOULY (Observer for Cambodia), reading out a message to the Conference from H.M. King Norodom Sihanouk, said that the King paid a tribute to the leading religious and secular figures from all areas who had come to express their sincere compassion to the peoples who were the victims of land-mines. The serious problem at hand could not be solved simply by denouncing the terrible effects of the mines or demonstrating solidarity through humanitarian assistance to the survivors and bereaved families. All peoples, international organizations and Governments must take concrete measures to prohibit permanently and without delay the production, export, use and sale of mines.

11. That was unfortunately a Utopian idea as yet. Even if all countries were to decide unanimously to cease producing and exporting mines, those that continued to use them would have intact mine stocks available and would be able to acquire mines clandestinely. Some, like the Khmer rouge, even succeeded in fabricating makeshift devices that were just as lethal.

12. In the context of the continuing civil war in Cambodia, land-mines scattered throughout the territory numbered in the millions. According to the experts, there was one mine for every inhabitant. As a result, 300 people per month were killed or mutilated. Although the Cambodian Government had prohibited the use of mines, both the Khmer rouge and the royal army continued to lay mines using self-defence as a justification.

13. Since their return, the King and Queen of Cambodia had travelled extensively throughout the country to provide assistance in many forms to the disabled and the victims' families and, within the limits of the royal budget, made a modest contribution to the financing of demining activities. In a solemn statement to the United Nations General Assembly in 1991, King Norodom Sihanouk had made an appeal - with no illusions as to the immediate effects of his initiative - for the prohibition of the manufacturing and marketing of mines.

14. The United Nations provided Cambodia with assistance by agreeing to launch an emergency programme for the rapid training of Khmer specialists, and that had made it possible to form a small local demining team.

Non-governmental organizations and various agencies were also working in certain sectors considered to have priority. In that connection, he commended the admirable work of the professional demining teams of the Compagnie française d'assistance spécialisée and the Mines Advisory Group, which were handling prevention, education and decontamination, but also training, in the field. They were supported downstream by teams specializing in safety, health and welfare assistance, rehabilitation and vocational training for the maimed and disabled, support for the families and basic infrastructure work. In view of the extent of the problems, however, the efforts being made were insufficient. The deminers' task was complicated by the fact that the minefields in question had been in existence for a long time and that the devices in question had been moved by the annual flooding and current generations were no longer able to locate them. Worthy of note was the fact that the great majority of victims were women and children.

15. In view of the extent of the scourge, countries such as France, Belgium, the Philippines and Australia had taken official decisions to stop manufacturing and marketing anti-personnel land-mines. They should be thanked. The King made a solemn appeal to States that persisted in engaging in the mad land-mines race to pledge to stop immediately.

16. That concluded the message of H.M. King Norodom Sihanouk. He (Mr. Mouly) added that Cambodia was doing everything in its power to eliminate anti-personnel land-mines. Cambodian deminers continued to work tirelessly and the results were encouraging. In view of the magnitude of the problem, however, human, material and financial resources must continually be mobilized. Cambodia took the opportunity to express its profound gratitude to the international community for its support for the demining operations. For its part, the Cambodian Government was devoting larger and larger amounts to such operations. The amounts allocated to demining activities had risen from $40,000 in 1994 to $400,000 in 1995. The projected budget for 1996 was $1 million. It should also be noted that demining operations were given the highest priority in the national recovery, reconstruction and development plan. In the legislative sphere, a bill on the prohibition of the use of anti-personnel land-mines was being studied by the Council of Ministers. The principle of prohibition had already been accepted with no opposition. At the international level, as a country that was the victim of anti-personnel land-mines, Cambodia was prepared to accede to the 1980 Convention and the Government had already given the Minister for Foreign Affairs instructions to that effect.

The meeting rose at 5.55 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.13
8 May 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April-3 May 1996

SUMMARY RECORD (PARTIAL)* OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 May 1996, at 10 a.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

REPORT OF THE CREDENTIALS COMMITTEE

REPORT OF MAIN COMMITTEE I

REPORT OF THE DRAFTING COMMITTEE

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* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 10.40 a.m.

REPORT OF THE CREDENTIALS COMMITTEE (CCW/CONF.I/CC/1)

1. Mr. GALICKI (Chairman of the Credentials Committee) said that the Credentials Committee had been established under rule 4 of the rules of procedure to examine the credentials of the representatives of the State Parties to the Convention participating in the Review Conference. Formal credentials in due form had been communicated to the Secretary-General of the Conference by 51 States. States not parties to the Convention, which had been invited as observers, were also listed in the report of the Credentials Committee, section II (b) of which should be amended to include the Republic of Azerbaijan. Paragraph 11 of the report contained a recommendation that the Review Conference should approve the report of the Credentials Committee.

2. The CHAIRMAN said he took it that the Review Conference adopted that recommendation.

3. It was so decided.

REPORT OF MAIN COMMITTEE I AND DRAFT FINAL DECLARATION (CCW/CONF.I/MC.I/1; CCW/CONF.I/WP.1/Rev.1)

4. Mr. TOTH (Chairman of Main Committee I) said that the Committee had been entrusted in Vienna with the mandate of reviewing the scope and operation of the Convention and its annexed Protocols, to consider any proposal relating to the Convention and to prepare and consider the final documents. Following a number of formal meetings and informal and private consultations, the preliminary draft Final Declaration had been adopted in October 1995, but it had taken some time for agreement to be reached on the text which was now before the Conference and which must be regarded as a fragile compromise. Main Committee I had completed its work on 1 May 1996, when it had approved the draft Final Declaration (CCW/CONF.I/WP.1/Rev.1) and its own report (CCW/CONF.I/MC.I/1). He recommended that the Conference should adopt the Final Declaration and take note of the report of Main Committee I.

5. The PRESIDENT said he took it that the Review Conference wished to adopt the Final Declaration and take note of the report of Main Committee I.

6. It was so decided.

REPORT OF THE DRAFTING COMMITTEE

7. Mr. MOHER (Chairman of the Drafting Committee), reporting orally on the work of the Drafting Committee, said that several delegations had considered that the wording of article 10, paragraph 3, of Protocol II could and should be clarified without altering its substance. It had, however, been concluded that not enough time was available for that purpose and it had been agreed that that paragraph should be included as it stood.

8. During the work on article 8, the delegation of Pakistan had said that it had difficulties with that provision, but he understood that those problems had now been solved.

9. He also pointed out that the wording of the title of the amended Protocol approved by the Drafting Committee on 1 May had been amended at the informal plenary meeting held on 2 May.

10. The PRESIDENT said he took it that the Conference wished to take note of the oral report of the Drafting Committee.

11. It was so decided.

The meeting rose at 11 a.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.14
6 June 1996

ENGLISH
Original: FRENCH

Second resumed session
Geneva, 22 April-3 May 1996

SUMMARY RECORD OF THE (FIRST PART)* OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 May 1996, at 4 p.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

TRIBUTE TO THE VICTIMS OF LAND-MINES

REPORT OF THE CREDENTIALS COMMITTEE

CONSIDERATION AND ADOPTION OF THE FINAL DOCUMENTS

Adoption of the draft amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II)

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* The summary record of the second part of the meeting appears as document CCW/CONF.I/SR.14/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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CONTENTS (continued)

Interpretative statements by States on amended Protocol II

Adoption of the draft Final Declaration of the Conference

Adoption of the final report of the Conference

STATEMENT BY THE PRESIDENT

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

CLOSING STATEMENTS

The meeting was called to order at 4.25 p.m.

TRIBUTE TO THE VICTIMS OF LAND-MINES

1. At the invitation of the President, the participants in the Conference observed a minute of silence.

REPORT OF THE CREDENTIALS COMMITTEE (agenda item 16) (CCW/CONF.I/CC/1)

2. The PRESIDENT said that, if he heard no objection, he would take it that the Conference wished to adopt the report of the Credentials Committee, by adopting the draft resolution contained in paragraph 11 of its report.

3. It was so decided.

CONSIDERATION AND ADOPTION OF THE FINAL DOCUMENTS (agenda item 19) (CCW/CONF.I/14)

Adoption of the draft amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II) (CCW/CONF.I/14)

4. The PRESIDENT noted that the Conference had adopted some amendments to the beginning of document CCW/CONF.I/14 at an informal meeting. The secretariat would also make some drafting changes approved by the Drafting Committee. The errors in certain versions would be corrected by the secretariat before the official text of the amended Protocol was communicated to States by the Depositary. If he heard no objection, he would take it that the Conference wished to adopt the draft amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II).

5. It was so decided.

Interpretative statements by States on amended Protocol II

6. Baron GUILLAUME (Belgium) read out a statement on article 1 of amended Protocol II, according to which the provisions of the Protocol must be observed at all times, depending on circumstances. The statement was made on behalf of the following States: Australia, Belgium, Brazil, Canada, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Hungary, Ireland, Israel, Italy, Jordan, Latvia, Netherlands, Pakistan, Slovakia, Slovenia, South Africa, Sweden and United Kingdom of Great Britain and Northern Ireland.

7. Mr. DIAZ-DUQUE (Guatemala) supported the Belgian statement.

8. Mr. HARTMANN (Germany) read out an interpretative statement on article 2, on behalf of Germany and the following countries: Australia, Bulgaria, Canada, Czech Republic, Denmark, France, Greece, Hungary, Ireland, Italy, Latvia, Netherlands, Norway, Poland, Romania, South Africa,

Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America. According to the statement, it was understood that the word "primarily" was included in article 2, paragraph 3, to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle, as opposed to a person, that were equipped with anti-handling devices, were not considered anti-personnel mines as a result of being so equipped.

9. Mr. MATHESON (United States of America) said that the United States fully endorsed the Belgian statement concerning the observation of the provisions of the Protocol during peacetime. Among the provisions that must, in his country's view, be observed at all times were: the provisions regarding the recording, marking, monitoring and protection of areas containing mines and the provisions of articles 8, 13 and 14.

10. Second, the United States, supported by Belgium, Canada, France, Greece, Israel, Italy, Netherlands and Pakistan, considered that article 4 and the Technical Annex did not require removal or replacement of mines already emplaced, while the provisions of the amended Protocol regarding marking, monitoring, fencing and protection of areas under the control of a party containing mines applied regardless of when those mines had been placed.

11. Third, it was the understanding of the United States, with respect to the provisions of article 3, that an area of land could itself be a legitimate military objective for the purpose of the use of land-mines, if its neutralization or denial, in the circumstances ruling at the time, offered a definite military advantage.

12. Fourth, the United States agreed entirely with the German statement with respect to the word "primarily" in article 2, paragraph 3.

13. Mr. AZHAR ELLAHI (Pakistan) said that, in Pakistan's view, the provisions of article 1 took precedence over those of any other article: the observance of any other provision could not be construed either directly or indirectly as affecting the right of peoples struggling against colonial or other forms of alien domination and foreign occupation in the exercise of their inalienable right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

14. Mr. WALKER (Australia) read out an interpretative statement on article 5, paragraph 2 (b), on behalf of Australia and the following countries: Belgium, Brazil, Canada, Croatia, Czech Republic, Denmark, Germany, Hungary, Israel, Netherlands, Norway, Slovakia, Slovenia, South Africa, Sweden and United States of America. According to the statement, article 5, paragraph 2, did not preclude agreement among the States concerned, in connection with peace treaties or similar arrangements, to allocate responsibilities under paragraph 2 (b) in another manner which nevertheless respected the essential spirit and purpose of the article.

15. Mr. ZMEEVSKY (Russian Federation) welcomed the significant contribution to the development of international humanitarian law which the Conference had made by adopting amended Protocol II. Despite their divergences of viewpoint on certain sensitive issues, States had worked hard to find generally acceptable compromise solutions.

16. According to the interpretation of the Russian Federation, however, each Party would apply the provisions of article 8, paragraph 3, of the Protocol and those of paragraph 2 (a) and (b) of the Technical Annex in conformity with national laws and regulations.

17. Mr. SHA Zukang (China) said that, in his country's view, article 6, paragraph 3, did not prohibit the use of remotely-delivered land-mines other than anti-personnel land-mines which were not equipped with an effective self-destruction or self-neutralization mechanism.

18. Mr. REID (United Kingdom of Great Britain and Northern Ireland) said that the Government of the United Kingdom would examine certain of the Protocol's provisions at a later date and reserved the right, at the time of notification of the Depositary of its consent to be bound by the Protocol, to make formal statements concerning the Protocol in addition to those made by other countries endorsed by the United Kingdom.

Adoption of the draft Final Declaration of the Conference
(CCW/CONF.I/WP.1/Rev.1)

19. The PRESIDENT noted that the draft Final Declaration prepared by Main Committee I had been orally amended at an informal meeting held that morning. It had been agreed that a fifth paragraph should be added to the preamble, in which the High Contracting Parties welcomed the adoption of an amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II). It had also been agreed that a subparagraph preceded by a dash should be added to the Solemn Declaration indicating that nothing in amended Protocol II should be used for the purposes of undermining the principles and purposes set forth in the Charter of the United Nations. If he heard no objection, he would take it that the Conference wished to adopt the draft Final Declaration as orally amended.

20. It was so decided.

Adoption of the draft Final Report of the Conference (CCW/CONF.I/CRP.20/Rev.1)

21. The PRESIDENT said that a few gaps would be filled in the Final Report when the Conference had completed its work. If he heard no objection, he would take it that the Conference agreed to adopt the draft Final Report.

22. It was so decided.

23. The draft texts constituting the Final Report of the Conference, as a whole, as amended, were adopted.

STATEMENT BY THE PRESIDENT

24. The PRESIDENT said that the difficult negotiations drawing to a close had dealt not only with weapons and legal procedures, but also, at a more fundamental level, with human values. The test of their success lay in adherence to and compliance with the new rules.

25. Inevitably, many delegations felt that not enough had been achieved, but that was because the amended Protocol reflected the consensus of all States parties. A growing number of States parties favoured an international ban, but the probable majority of States were of a different opinion. Many States considered anti-personnel land-mines to be an indispensable military asset.

26. In any event, the Conference had considerably improved the old Protocol by extending its scope to cover internal armed conflicts, significantly increasing restrictions on the use of all types of mines, prohibiting - albeit with a relatively long period of deferral - the use of non-detectable anti-personnel mines, prohibiting the use of non-self-destructing and non-self-deactivating mines outside fenced, monitored and marked areas, prohibiting the transfer of non-detectable anti-personnel mines and broadening obligations to protect peace-keeping and other humanitarian missions. The amended Protocol also called for penal sanctions in case of violation and decisions had been taken to hold annual Conferences of States parties and regular Review Conferences.

27. It was urgent for all States to accede to the Protocol and all parties to take steps to become bound by the new instrument. Compliance was crucial. Significant progress had been made, but efforts must continue. Mine victims were ultimately the international community's constituency. The only viable long-term solution was a total ban on all anti-personnel land-mines.

28. It should also be noted that the dynamic nature of the Convention had been demonstrated by the addition of a new protocol, banning the use of blinding laser weapons, at the very moment when such weapons had been about to be deployed.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

29. The PRESIDENT invited the Director General of the United Nations Office at Geneva to make a statement on behalf of the Secretary-General of the United Nations.

30. Mr. PETROVSKY (Director-General of the United Nations Office at Geneva) read out a message to the Conference from the Secretary-General of the United Nations, in which the Secretary-General stated the following:

31. Land-mines, and especially anti-personnel mines, were having horrendously destructive effects on individuals and communities throughout the world and were ravaging the economies of certain countries. Land-mines were weapons whose widespread use against civilian populations was indefensible and an affront to the human conscience.

32. He congratulated the President and the other participants in the Conference on the great efforts that had been made in the course of a long and sometimes difficult process. Some progress had been made, for example the extension of scope of the Convention, the inclusion of provisions restricting the transfer of mines and the clear attribution of responsibility for mine clearance. The number of countries favouring a total ban was increasing almost daily, in large part due to the work of the hundreds of non-governmental organizations which formed the International Campaign to Ban Land-mines.

33. He noted with deep disappointment that the progress achieved fell far short of what he had hoped for. The revised Protocol failed to resolve some of the crucial issues. It would disappoint international public opinion and, in particular, the hundreds of thousands of mine victims worldwide. It was disappointing, for example, that States which accepted binding obligations had not been able to agree on independent verification of their compliance. The international community recognized the need for the eventual elimination of anti-personnel mines, but was not ready to prohibit their supply. There had been attempts to differentiate between "smart" mines or "good" mines and "bad" ones, yet no mechanism, no contraption, could legitimize a weapon that inflicted such appalling, yet random, suffering on so many societies. With its shortcomings, however, the amended Protocol still represented a step forward in the development of international humanitarian law. It represented the common denominator of all States parties and it was essential for all States to accede to it.

34. The United Nations and its agencies would continue to work closely with non-governmental organizations worldwide to seek to ensure that humanitarian considerations, which were all too often subordinated to military and geopolitical considerations, remained in the forefront of the minds of Governments. The United Nations would continue to strengthen its programmes of humanitarian mine clearance in affected countries, which required increased human, financial and technical support from all Governments.

35. According to estimates, by the next Review Conference five years hence, an additional 50,000 human beings would have been killed, and a further 80,000 injured, by land-mines. Ten to 25 million land-mines would have been added to the 110 million already uncleared. Thousands of de-miners would continue to have to risk their lives every day. The only solution was a total ban on all anti-personnel mines, which must be the aim of the next Review Conference. The United Nations would work with Governments, Member States and non-governmental organizations to achieve that goal. He encouraged all States immediately to enact legislation prohibiting the manufacture, stockpiling, use or sale of land-mines. The world could not wait indefinitely: mines must be eliminated without delay.

36. The PRESIDENT associated himself with the Secretary-General's appeal to States to accede to the amended Protocol.

CLOSING STATEMENTS

37. Mr. PERUGINI (Italy), speaking on behalf of the European Union, the central and eastern European countries associated with the European Union, the associated countries Cyprus and Malta, as well as the EFTA country members of the EEA (Iceland, Liechtenstein and Norway), said that, in order to reconfirm its commitment to the objective of an overall strengthened Protocol II, the European Union had adopted a Joint Action in May 1995. The member States of the European Union had undertaken thereby to extend the scope of Protocol II to non-international armed conflicts, substantially strengthen restrictions or bans on anti-personnel mines and seek an effective verification regime and provisions on technical assistance for mine clearance. The European Union had since engaged in many consultations, with the support of the above-mentioned countries, to promote that aim.

38. The Conference had made considerable progress in terms of the Joint Action of the European Union: the scope of Protocol II had been significantly extended; the strengthening of restrictions or prohibitions of the use of anti-personnel land-mines had been partially achieved; an immediate prohibition on transfers of land-mines the use of which was prohibited and other general restrictions on transfers had been introduced; and the provisions on technological cooperation and assistance had been significantly strengthened, in particular to facilitate mine-clearance operations.

39. Additional progress was expected in the following areas: greater protection for United Nations, ICRC and humanitarian missions; the obligation for States to take penal sanctions against individuals seriously violating the Protocol; and the commitment reflected in the text of the Final Declaration to follow up the review process begun at the first Review Conference so as to establish a regular review mechanism for the Convention and its annexed Protocols. Among the overall achievements of the current Conference were the adoption of Protocol IV banning the use and transfer of laser weapons specifically designed to blind.

40. However, the results of the Conference were disappointing in comparison with the goals set out in the Joint Action of the European Union in a number of important respects. The European Union would have liked to reach agreement on an effective and binding verification mechanism, with no periods of deferral of compliance - or at least much shorter ones - with the standards set in paragraphs 2 and 3 of the Technical Annex, and much stricter constraints on detectability during the deferral period.

41. However, those failings should not discourage States from pursuing their efforts, in particular to keep the issue of anti-personnel land-mines high on the international agenda. He was encouraged to note that the Conference had agreed in Protocol II (art. 13) to establish annual consultations among the High Contracting Parties on all issues related to the implementation of the Protocol.

42. Regarding the entry into force of the amended Protocol, the European Union would endeavour to seek early ratification. It would also take urgent steps to ensure compliance by members with all the provisions of the Protocol and of new Protocol IV on Blinding Laser Weapons.

43. Noting that only 57 States had ratified or acceded to the Convention, he said that the European Union would devote further efforts to achieving the universal nature of the Convention and amended Protocol II.

44. The European Union would strive to meet the goal of the eventual elimination of anti-personnel land-mines, as stated in General Assembly resolution 50/70 (O).

45. Mrs. ARIAS (Observer for Colombia), speaking on behalf of the Movement of Non-Aligned Countries and Other Observer States, welcomed the adoption at the current session of amended Protocol II and the adoption on 13 October 1995 of Protocol IV on Blinding Laser Weapons. Those were important stages in the process of strengthening international law on conventional weapons, which might encourage States to accede to the Convention and help to make it universal. She hoped that the flexibility and spirit of compromise present throughout the work of the past two weeks would mark future review conferences. The work of the Committee chairmen, the Friends of the Chair and the secretariat had been crucial to the success of the Conference's work and she expressed her gratitude to them.

46. Mr. PARREIRA (Observer for Angola) said that it was very unfortunate indeed that the Conference had not succeeded in taking substantial steps towards the total ban of anti-personnel land-mines. It seemed that Governments of countries producing such weapons were indifferent to the tragic consequences among the civilian population of the generalized and indiscriminate use of such weapons and that those countries, as well as those that transported such weapons, did not have the political will to amend the 1980 Convention on Certain Conventional Weapons such as anti-personnel land-mines. He sincerely deplored that no feasible mechanism for verification of the implementation of the restrictions imposed on the use of anti-personnel land-mines had been established and that the security and protection of civilian populations had not been safeguarded. His delegation felt grief and frustration because the transition period agreed for the new arrangements to come into force was too long. From the humanitarian law standpoint, the revised Protocol II, with the exception of article 8, was misleading and did not at all meet the legitimate expectation of all those who were alarmed at the devastating effects of anti-personnel land-mines: governmental authorities in developing countries, NGOs, religious entities, victims and their relatives.

47. Of the more than 100 million anti-personnel land-mines planted in third world countries, 15 to 20 million were planted in Angola, killing 7 to 10 people a day and wounding still more, the great majority being civilians. Lack of medical assistance and hospitals, inadequate first-aid treatment, absence of transport facilities, starvation, illness and the deep

trauma and depression caused by injuries, poverty and underdevelopment were all factors contributing to the high mortality rate among the victims of anti-personnel land-mines. Beyond the physical and psychological damage they caused, mines severely jeopardized the Angolan economy: as one-third of the country was mined, part of its best arable land could not be cultivated, and that forced the authorities to rely on loans and credits at high interest rates in order to guarantee imports of basic commodities. The Angolan Government was also deeply concerned at the high cost involved in mine clearing and the rehabilitation of the affected areas. The appropriate arrangements, technical personnel and equipment needed for land-mine clearance in Angola would cost more than $6.6 billion, an amount far beyond the country's financial capacity. Due to lack of financing, only a very small amount of mine clearance had taken place.

48. In conformity with Organization of African Unity resolutions 1593 (LXII) and 1628 (LVIII), the Government of Angola appealed to the international community to give increased support to the ongoing efforts by national institutions and non-governmental organizations responsible for assistance to victims of anti-personnel land-mines and for mine clearance in Angola.

49. As recommended in the above-mentioned resolutions of the Organization of African Unity, his Government supported a total prohibition of anti-personnel land-mines.

50. Mrs. BOURGOIS (France), noting that her country had asked in February 1993 for the current meeting to be held, expressed appreciation for the agreement that marked the end of the work of the first Review Conference of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons.

51. The adoption of a new text for the mines Protocol should be welcomed despite the instrument's inadequacies. In that connection, she fully endorsed the remarks made by the representative of Italy on behalf of the European Union.

52. It was true that the new version of Protocol II which had been adopted fell short of the hopes and ideals which France shared with many other participants in the Conference and with field staff. Even as it stood, however, it was a substantial achievement. The adoption of an annual consultation mechanism and the commitment to hold a new Review Conference in five years bore witness to the will of the States parties to the Convention to continue to work together.

53. France considered that the goal of the efforts to put an end to the scourge of anti-personnel land-mines could be none other than the adoption of a verifiable international agreement on the total elimination of such devices. Although unilateral initiatives could not and should not replace it, they were signs of hope and helped to establish a climate conducive to patient legislative work. France declared itself in favour of the total elimination

of anti-personnel land-mines. She congratulated the countries that had announced unilateral decisions of broad scope at the Conference and expressed her hope that more countries would follow their example.

54. Mr. VALERIO (Observer for Portugal) informed the Conference that his Government had already formally approved the text of the Convention and its Protocols, including amended Protocol II, and had requested Parliament to initiate ratification procedures.

55. The Portuguese Government had joined international efforts towards a worldwide total ban on anti-personnel land-mines by issuing a declaration announcing that, in conformity with the Joint Action of the European Union, it had implemented a moratorium on exports of anti-personnel land-mines, which it had decided to extend to the production and stockpiling of land-mines. The Portuguese Government also stated that Portugal had ceased to produce or export anti-personnel land-mines, that anti-personnel land-mines stockpiled by the Portuguese armed forces were gradually being destroyed, with the exception of those necessary for military training, especially de-mining operations, and that Portugal would aim all its efforts at a complete ban on the production and use of anti-personnel land-mines worldwide; it was understood that, under exceptional circumstances, the Portuguese State reserved the right to go back on that decision, with strict respect for the international rules applicable to armed conflicts, in particular the provisions of Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.

56. Mr. MOHER (Canada) recalled that, in its opening statement to the September 1995 session of the Conference, his Government had stated that the objective of the international community should be the elimination of anti-personnel land-mines. On 17 January 1996, the Canadian Government had decided to establish an indefinite moratorium on the production and export of those devices as well as their use in battle. Canada's objective at the current session - regrettably but necessarily - was more limited, i.e. to introduce prohibitions and restrictions on those weapons in order to secure a humanitarian goal. Against that yardstick, he believed that significant progress, admittedly insufficient, had been made: the amended Protocol contained a wide range of provisions imposing new prohibitions and restrictions on anti-personnel land-mines.

57. Canada had devoted considerable efforts to negotiating the provision that, if anti-personnel land-mines must be used by some countries in the short term, at the very least they must be detectable immediately. At the cost of having to accept a deferral period - too long in Canada's view - for the universal implementation of that provision, the Conference had collectively agreed on the principle of detectability, its implementation over a fixed time period and the non-export of undetectable mines in the interim. He drew attention to the fact that the participants in the Conference had in the Final Declaration promised their best efforts to make detectable all anti-personnel land-mines used nationally in the interim. That was modest progress, but significant humanitarian progress all the same.

58. Canada would continue to work along two tracks to attain its overall objective of elimination. On track one, i.e. in the context of the Convention and amended Protocol II, it would continue to press vigorously for increased restrictions and prohibitions in the short term in order to move closer to an absolute ban; it would also work with all concerned to secure the earliest possible entry into force of the amended Protocol. Track two consisted of a number of initiatives. At the United Nations General Assembly the following autumn, Canada would be putting forward a resolution calling for further concrete steps towards the elimination of anti-personnel land-mines. It would forcefully advocate, in all of the regional organizations and forums to which it belonged, additional actions towards that objective. In the Organization of American States, for example, it was pressing for the Americas to be declared an "anti-personnel mines free zone". He was pleased to confirm Canada's intention to host a meeting in Ottawa the following September for those Governments and NGOs which supported a comprehensive ban on anti-personnel land-mines.

59. Tens of thousands of innocent civilians were the victims of anti-personnel mines throughout the world and more such victims were unavoidable. That horrendous reality would demand redoubled efforts, in the Conference and elsewhere, to eliminate those weapons. He wished to acknowledge the commitment of the many non-governmental organizations which had supported the participants in the Review Conference in their difficult task.

60. Another significant achievement of the Review Conference should be borne in mind, i.e. the adoption of Protocol IV on Blinding Laser Weapons, and he hoped that all States would move expeditiously to accede to it.

61. Mr. VIEGAS (Brazil) expressed sympathy for the victims of land-mines, especially in Africa, Asia and Europe, regions that suffered particularly from the scourge of war.

62. As was the case in any genuine negotiation, the results of the Review Conference could not fully satisfy all the parties concerned. It was of course possible to find deficiencies in the texts of Protocol IV on Blinding Laser Weapons and on amended Protocol II on Mines, Booby-Traps and Other Devices. Given the gravity of the situation generated by the indiscriminate deployment of land-mines, only a limited effect of the provisions adopted could unfortunately be expected. However, the adoption of amended Protocol II by the Conference had deep significance, for it attested to the international community's resolve to take a decisive step to put an end to the indiscriminate and abusive use of land-mines.

63. Among the most important results of the Conference were the total ban on non-detectable anti-personnel land-mines and the requirements regarding the early self-destruction and self-deactivation of mines placed out of clearly marked and monitored areas. Other achievements with important implications were the extension of the scope of application of Protocol II to cover armed conflicts not of an international character. Efforts should henceforth

concentrate on practical matters such as substantially increasing capabilities for mine clearance, establishing effective national quality controls on the mechanisms of self-destruction and self-deactivation and devoting new resources to help poor countries meet the technical requirements established, for humanitarian purposes.

64. Mr. SOOD (India) said that the Review Conference had conducted its work against the backdrop of the growing realization of the tragic crisis caused by the irresponsible exports of land-mines and their indiscriminate use, which occurred on such a scale that clearing the land-mines strewn throughout the world was tantamount to attempting the impossible. Throughout the work of the Conference, his delegation had maintained that the focus of efforts should be the protection of civilians' lives and livelihood. Aware that the predominant damage caused by land-mines did not necessarily lie in international conflicts, India had agreed to the extension of the scope of Protocol II to internal conflicts. It had even proposed a complete prohibition on the use of land-mines, booby-traps and other devices in all internal conflicts and had drawn the attention of the Review Conference to the many innocent civilian victims caused by improvised explosive devices, which were likely to be used even more than land-mines in situations of internal conflict.

65. It was clear that merely imposing limited restrictions on the use of land-mines in non-international conflicts would be difficult to monitor and enforce, especially when one of the parties was not a High Contracting Party. Extending the scope of the land-mines Protocol to internal armed conflict without a comprehensive ban only served to legitimize the use of "smart" mines. India believed that the use of anti-personnel land-mines should be permitted only for long-term defence of borders, perimeters and peripheries of States. His delegation regretted that those proposals had not found consensus. For its part, India had never used land-mines and was determined not to use them in armed conflicts not of an international character.

66. The Conference had succeeded in ensuring that henceforth all anti-personnel mines that did not possess self-destruction and self-deactivating mechanisms would be used within a marked perimeter that was monitored by military personnel and protected by fencing or other means, to ensure the exclusion of civilians. As everyone knew, however, remotely delivered mines with or without self-destruct mechanisms could not be accurately located and accurate maps could not be made to indicate their deployment. It was for that reason that his delegation had consistently called for a complete ban on the use of remotely-delivered mines. He hoped that delegations that had resisted that idea would review their position.

67. In view of the fact that the land-mines used in many countries were not produced locally, India had proposed a ban on the transfers of all mines. His delegation welcomed the moratoria announced by certain States, but would have preferred an international ban. To enhance transparency and encourage universal adherence, India urged all the States in question to consider making voluntary declarations on their exports of land-mines during the past five years.

68. While the work on Protocol II had been concluded, the land-mine crisis remained to be fought. All States should, at one level, pool their resources, both human and material, to tackle the challenge of removing the mines that had been laid throughout the world during recent conflicts and, at another level, promote universal adherence to the standards established by the international community by taking specific steps such as prohibiting transfers, prohibiting remotely-delivered mines and prohibiting use in internal conflicts. Such collective efforts would help achieve the goal of total elimination of anti-personnel land-mines in the near future.

69. Mr. SHA Zukang (China) welcomed the significant results achieved by the Conference, especially the adoption of a protocol banning the use and transfer of blinding laser weapons. For the first time in human history, an inhumane weapon had been declared illegal and prohibited before it had actually been used. The Conference had also adopted amended Protocol II, which strengthened restrictions on the use and transfer of land-mines and established technical specifications on the detectability, self-destruction and self-deactivation of land-mines.

70. China had always attached the highest importance to humanitarian matters and supported the international community's efforts in that area. It had been one of the first countries to sign and ratify the Convention on Certain Conventional Weapons, in 1982. At the Review Conference, the Chinese Government had solemnly declared that it would prohibit exports of booby-traps and that, pending the entry into force of the amended Protocol, it would introduce a moratorium on exports of anti-personnel mines that did not meet the technical specifications on detectability, self-destruction and self-deactivation. To guarantee the safety and economic development of the local population, the Chinese Government had carried out large-scale mine-clearance campaigns in certain border areas to eliminate land-mines left over from past wars. It had also engaged in international cooperation in mine-clearance and provided assistance to the best of its ability to other countries affected by land-mines.

71. While emphasizing humanitarianism and the prevention of the abuse of land-mines, the international community should also note that, in the modern world interference, in other countries' internal affairs, infringement on other countries' sovereignty and the use or threat of use of force in State-to-State relations were far from extinct. As such, land-mines remained an effective means for many countries to exercise their right of self-defence in accordance with the principles of the Charter of the United Nations. Therefore, in considering issues involving mines and other conventional weapons, a balance should be sought between humanitarian considerations and the right of self-defence of sovereign States.

72. Mr. POPCHEV (Bulgaria), speaking as coordinator of the Group of Eastern and Central European countries, paid a tribute to all those in the Group - representatives of both Governments and non-governmental organizations - who had contributed to the success of the negotiations. While much could be

desired of the two new Protocols from the humanitarian point of view, they were considerable improvements in the international regulations concerning anti-personnel land-mines and blinding laser weapons.

73. Speaking on behalf of the Bulgarian delegation, he informed the Conference that the Government of the Republic of Bulgaria had enacted a decision to impose a unilateral moratorium on the export of anti-personnel land-mines, effective immediately. He asked that the text of the announcement should be distributed as an official document of the Conference.

74. Mr. CAFLISCH (Switzerland) noted that, on 10 October 1981, at the closing meeting of the Conference at which the Convention on Certain Conventional Weapons had been adopted, the head of the Swiss delegation had stated that the new instrument represented only modest progress in comparison with the development of methods and means of combat, but that, thanks to the review and amendments mechanism in article 8, it would be possible to improve the regime. What was the situation 16 years later, at the conclusion of the first Review Conference? Once more the record was mixed.

75. Among the positive elements was the adoption of a new protocol on blinding laser weapons, in which, anticipating weapons developments, the Conference had taken steps to prevent their most harmful consequences. Also worthy of note were the improvements made in Protocol II, especially with regard to the technical specifications on the detectability, self-destruction and self-deactivation of anti-personnel land-mines, the immediate ban on the transfer of anti-personnel mines not in conformity with the Protocol, the holding of annual conferences to study the implementation of the new rules and the extension of the scope of the rules to internal conflicts.

76. There were also negative elements, however, in particular the long deferral periods for the implementation of the technical specifications. Since amended Protocol II would not enter into force for two or three years, the provisions would not become applicable for 11 or 12 years. The Conference had legislated for the future, whereas it was necessary to act now by proclaiming a general and complete ban on anti-personnel land-mines. Another negative aspect was the lack of an effective international mechanism for ascertaining and punishing violations of the Protocol.

77. For humanitarian reasons, his delegation had agreed to the document drafted by the Conference. Even when they were insufficient, restrictions applicable to the entire international community were preferable to no restrictions. He hoped, however, that amended Protocol II would be merely a step in the long march towards an absolute ban on anti-personnel land-mines.

78. Mr. DUHR (Observer for Luxembourg) noted with satisfaction that, after two weeks of hard work, many countries had taken steps to enable the international community to limit the suffering caused by anti-personnel land-mines. As a contribution to international efforts, on 25 April 1996 the Government of Luxembourg had announced the introduction of a complete moratorium on the production, transfer, stockpiling or use of land-mines.

The Luxembourg army had agreed not to use them and, with the exception of a small number of devices intended for training de-miners, existing stockpiles would be destroyed. The Government of Luxembourg was determined to continue participating in de-mining operations in the context of its humanitarian activities.

79. Mrs. FORSYTH (New Zealand) said that the amended Protocol contained a number of features which should, over time, contribute to alleviating the terrible problems caused by anti-personnel mines throughout the world. The broadening of the scope of the Protocol to cover internal conflicts went to the heart of the way mines had been used against civilians in recent years. The ban on non-detectable anti-personnel mines was an important step given the huge difficulties they created for mine-clearing operations. The restrictions on the use of non-self-destructing and non-self-deactivating mines, particularly in the case of remotely-delivered mines, were a step in the right direction. She was pleased that a provision on transfers had been included in the revised Protocol, although New Zealand would have preferred a clearer commitment by States not to transfer prohibited mines prior to the entry into force of the Protocol and not to transfer to non-parties.

80. At the same time, the Protocol fell short in a number of areas. New Zealand regretted very much the lengthy default periods agreed to in cases where States were unable to comply with the requirements on detectability, self-destruction and self-deactivation. In the case of detectability, it saw no reason why mines could not be fitted with the necessary device prior to emplacement. It urged all contracting parties contemplating the default option to give the question some hard thought before choosing it. The problems associated with remotely-delivered anti-tank mines and mines fitted with anti-handling devices had not been satisfactorily treated. Similarly, the provisions on compliance, in article 14, should have been stricter. She would have liked to see agreement on effective measures to enable verification of breaches of the Protocol. As experience with the unamended Protocol showed, States could not be relied on to be self-policing.

81. Those and other outstanding issues might be dealt with at the following Review Conference in the year 2001. It was important to keep up the momentum, which was why New Zealand had favoured Review Conferences at five-yearly intervals. However, she hoped that, even before 2001, the world community would have the courage to ban all anti-personnel land-mines, in line with the unilateral actions taken by a growing number of States, including New Zealand. A total ban was the only measure that would, over time, put an end to the suffering caused by land-mines. For that reason, New Zealand would continue to work with other like-minded nations to promote such a ban. In that context, she welcomed the offer made by the delegation of Canada to host a meeting in Ottawa later in 1996.

82. Mr. GOMEZ ROBLEDO (Mexico) said that his country had come to participate in the Review Conference with the firm intention - and hope - of putting an end to a tragedy of gigantic proportions. According to the most conservative estimates, 1,100 years would be needed to eliminate the mines scattered during

conflicts that were already over. Before the amended Protocol even began to produce its limited effects, anti-personnel land-mines would have claimed 260,000 new victims. And yet the Conference had not succeeded in banning the production, transfer and use of land-mines, as proposed by Mexico and 34 other States, supported by more than 500 non-governmental organizations and figures as important as the Secretary-General of the United Nations and the President of the International Committee of the Red Cross.

83. He wondered what progress the Conference was supposed to have achieved by adopting the amended Protocol. Detectability would facilitate mine clearance work without sparing a single victim as long as the mine stayed in place, the requirements of self-destruction and self-deactivation had the effect of eliminating inexpensive mines and fostering the use of costly devices and the periods of deferral legitimized the use of the millions of mines currently in stock, for at least a decade.

84. He expressed deep sympathy for the victims of that horror and said that Mexico had adopted the new Protocol in the hope that the next Review Conferences would make it possible to move towards the only possible solution: the elimination of land-mines. Mexico's action could in no way be considered as legitimizing any use whatever of land-mines. All use of such devices was indiscriminate and illegitimate under international humanitarian law and Mexico would continue to advocate a complete ban on land-mines in the framework of both the Convention and the international forums of which it was a member.

85. Mr. MADEY (Croatia) noted with satisfaction that many countries had committed themselves unilaterally to a comprehensive ban on all land-mines. The results achieved at the Conference were an important step towards that goal. The changes in Protocol II were the result of very intense negotiations and the delicate balance they represented should be viewed as an encouraging result. His delegation especially welcomed the adoption of the new Protocol on Blinding Laser Weapons as an important development in the regulation of new kinds of weapons, the broadening of the scope of Protocol II to include internal conflicts and the fact that Protocol II covered technical developments and mine transfers, as well as provisions on consultation and cooperation of States parties, especially those on the holding of annual Conferences to discuss issues related to the operation of Protocol II.

86. At the same time, his delegation had the feeling that even more might have been achieved. Since the international community had committed itself to taking effective measures to reduce the dangers to civilians from land-mines, it was regrettable that the provisions on the effectiveness percentage had been lowered to 90 per cent and, in particular, that consensus had not been achieved concerning a shorter deferral period for certain provisions. Although the Conference had succeeded in establishing a practically new regime for land-mines, because of a concern for balance between humanitarian concerns and defence needs of countries, as well as economic considerations, it had not been able to agree on tougher restrictions.

87. The Republic of Croatia had announced a moratorium on the use, production, stockpiling and transfer of all anti-personnel land-mines. That decision should be viewed as the contribution of a country with experience of recent aggression and its desire to reduce the suffering and loss of human life in any conflict.

88. Mr. WALKER (Australia) noted that, since the beginning of the preparatory meetings for the Review Conference, the number of States parties to the Convention had grown from 40 or so to approaching 60. At that rate, the instrument might soon become universal. There was no doubt that the reason for that rapid increase in accession was that the Convention had become the focus of efforts to address the appalling problems caused by anti-personnel mines in recent years.

89. His delegation had already informed the Conference, on 22 April 1996, of the contents of a recent land-mines policy announcement by the Australian Foreign and Defence Ministers, which included a commitment to a ban on anti-personnel land-mines. Australians were very conscious that, beyond the efforts of the Conference to develop the international legislation applicable to mines, the international community must also address the challenge of mine clearance and the rehabilitation of victims. His delegation was therefore happy to announce that the Australian Foreign Minister would shortly be making a significant statement on the important humanitarian issue of mine clearance in Indo-China, a region close to Australia which had suffered and continued to suffer abominably from the unprincipled and indiscriminate misuse of land-mines.

90. The written text of his statement as circulated contained a list of the areas of the Protocol which his delegation believed were in need of improvement. He would simply note that Protocol II did not ban anti-personnel land-mines, as Australia would have wished, and that the measures for interim protection for civilians were insufficient. Nevertheless, he welcomed the amended Protocol as an important first step on the road to a legally binding global ban, a step which Australia was determined to seek with vigour in the months ahead. A small number of States parties had considered it necessary to provide for a long - up to nine years - phase-in period for the technical standards on detectability, self-destruction and self-deactivation. Australia regretted that that had been a precondition for agreement. It hoped very few States parties would avail themselves of that option and that those that did would make every effort in the transition period to meet the new standards as rapidly as possible.

91. The five-yearly Review Conferences provided for in the Final Declaration would serve to improve Protocol II. Some of the themes to be addressed by those Conferences were identified in the Final Declaration. In any event, the adoption of amended Protocol II was not the end of the campaign to eliminate anti-personnel land-mines. It was only the first step in a process in which Australia was determined to see rapid progress.

92. Mrs. KUROKOCHI (Japan) said that the Conference had succeeded in strengthening the restrictions and prohibitions contained in Protocol II. She hoped that the implementation of and strict compliance with the new provisions by all States would save numerous civilian lives. Complacency should be avoided, however. A challenging task lay ahead of the international community, which must continue its strenuous efforts. She hoped that the annual meeting of the High Contracting Parties, as specified in article 13 of the amended Protocol, would be held at an early date. That meeting might serve as a useful vehicle further to discuss issues that had been raised at the Review Conference, in particular the detectability of land-mines other than anti-personnel land-mines and the establishment of an effective system for verifying compliance.

93. For its part, Japan was firmly opposed to the use and transfer of anti-personnel land-mines. Since its creation in 1954, the Japanese Self-Defence Force had never used land-mines and continued to familiarize its personnel with international humanitarian legislation. Japan also observed a total ban on the export of any type of mine. In addition, the Japanese authorities played an active role in the international community's de-mining efforts. To date, it had contributed nearly $25 million to the mine clearance activities of the United Nations. In view of the strong need for assistance to the victims of land-mines, Japan had sent many specialists to Cambodia, where it had established rehabilitation and artificial limbs factories. The Japanese Government intended to expand its effort by offering financial and technical assistance wherever it was needed. All the participants in the Conference agreed that amended Protocol II, together with the new Protocol IV, should enter into force as soon as possible. The Japanese Government would make every effort to ensure early ratification of the two Protocols and to promote the universality of the Convention and its annexed Protocols.

94. Baron GUILLAUME (Belgium) said that Belgium fully shared the feelings of the other members of the European Union as expressed by the representative of Italy. He had taken the floor only to express some concerns that were particular to his country. Belgium had been the first country to declare anti-personnel land-mines to be unlawful and the Belgian Parliament had established extensive legislation in that area; it had obviously been emulated since more than 30 countries had decided to introduce a total ban on anti-personnel land-mines. Belgium could rightfully be proud of that result, although it was hardly satisfied with the results of the Conference.

95. The Protocol that had been adopted might be considered from two points of view. By comparison with the 1980 text, it was obviously an improvement. First, its provisions had been extended to internal conflicts, which was precisely where humanitarian crises originated. Secondly - and the main reason for satisfaction as far as Belgium was concerned - it was henceforth prohibited to produce and export non-detectable mines. Inasmuch as the work of the Conference had been aimed at paving the way for the elimination of the devices, which unfortunately would continue to be emplaced, that provision was

vital. The Belgian delegation noted with satisfaction the new system for the protection of the peace-keeping forces: for a country that had sent men to Somalia, Rwanda and the former Yugoslavia, such an improvement was welcome.

96. However, given the extent of the disaster, Belgium could not hide its disappointment at a text which left much to be desired and which it had accepted as the only way of preventing the Conference from being a failure. As for detectability, his delegation regretted that a deferral period had been necessary and especially that it would be possible to use non-detectable mines for several years more, creating thousands of further victims. Belgium condemned the political attitudes that had made that provision necessary. Equally serious was the fact that the above-mentioned improvements were weakened at the outset by the lack of a verification system. Without a mechanism for verification and punishment, States would be able to avoid the new obligations whenever they wished.

97. Belgium drew two lessons from that situation. The first was that, despite its shortcomings, the Conference would have helped to mobilize world opinion in favour of a universal and complete ban on anti-personnel land-mines, which was the only way to prevent the situation from worsening. The second lesson was that anti-personnel land-mines must be fought on all fronts. The question of a general ban should be taken up at the next Review Conference and raised in other forums. A maximum of human and financial resources should be devoted to mine clearance operations and due attention given to the rehabilitation of the victims.

98. Mrs. ANDERSON (Ireland) said that, out of consideration for world opinion and most of all for the victims of land-mines, the international community should take a clear-eyed look at the achievements of the Conference. Italy, speaking on behalf of the member States of the European Union, had sought to make such an assessment. Amended Protocol II represented a significant advance over the 1980 text. She welcomed that advance, for every step mattered and every life saved was immensely worthwhile. However, it must also be asked whether the negotiating result adequately reflected the changes that had taken place in the intervening period. A legal text should speak for its own times. Frankly, it was difficult to recognize the post-cold-war world in the text adopted, which was riddled with restrictions.

99. Her delegation had accepted amended Protocol II because it represented the outside limit of what was possible to secure by consensus at the current time. Those who were the most disappointed should also be the most determined. However flawed the text adopted, the Conference had laid building blocks for the future. Until the next Review Conference in five years, every possibility of progress must be seized. As one phase in the process came to a close, her delegation invited those Governments which continued to assert that anti-personnel land-mines were indispensable for their defence needs to consider that they might be wrong, that the price in human terms was impossible to justify any longer and that it was high time that common sense and humanitarian concerns prevailed.

100. Mr. GRYSCHENKO (Ukraine) expressed satisfaction at the fact that the participants in the Conference had succeeded in elaborating an amended Protocol II that struck a delicate balance between common humanitarian aspirations and the serious concerns in many countries at the possibility of diminishing their defence capabilities due to the imposition of new restrictions. However, amended Protocol II was quite far from meeting the expectations of the majority of States and the hopes of millions of people throughout the world. Provisions ensuring reliable verification of compliance were still lacking and the restrictions on mine transfers were not entirely satisfactory.

101. Nevertheless, an extremely important step had been taken to eliminate the threat posed by land-mines to the civilian population. Ukraine welcomed the prohibition of the use of anti-personnel mines without appropriate detectibility elements and the prohibition of the use of remotely-delivered anti-personnel mines without self-destruction elements, as well as the restrictions on the use of anti-personnel mines other than those remotely delivered. He noted with satisfaction that the requirements concerning anti-personnel mines which had been proposed by Ukraine at the previous sessions of the Conference coincided almost entirely with the requirements set forth in the Technical Annex.

102. Ukraine fully supported new article 8 of the Protocol concerning transfers of anti-personnel mines. Together with 46 other countries, it was respecting a four-year moratorium on the export of all types of anti-personnel mines, effective since 1 September 1995. It continued to believe that the establishment of a comprehensive moratorium on the export of anti-personnel mines by all States would play an important role in overcoming humanitarian crises caused by their use.

103. Ukraine was actively engaged in reducing its stockpiles of anti-personnel mines and did not rule out a future decision on completely banning their production. It paid special attention to international cooperation in the field of de-mining: it contributed to mine-clearance operations in Angola and the former Yugoslavia and provided training in mine clearance for foreign experts.

104. At the same time, mine clearance would eliminate the threat of mines to civilians only if no new mines were laid. The international community therefore had to multiply its efforts to achieve the universality of the Protocol and find effective leverage to influence those using anti-personnel land-mines indiscriminately during military conflicts. Ukraine appealed to all participants in the Conference to make the most effective use of the possibility of using the annual conferences of the parties to the Protocol to negotiate additional measures to resolve outstanding issues and reduce the threat of anti-personnel land-mines to the civilian population.

105. Mrs. AQUILINA (Malta) said that Malta had acceded to the Convention on 5 June 1996 and the Convention had entered into force in Malta in December 1995. The Government of Malta was fully committed to the immediate

and total elimination of anti-personnel land-mines and joined other States that had declared support for a total ban. The global prohibition of anti-personnel land-mines should preferably be introduced no later than the following Review Conference and States that had not yet ratified the Convention should do so as soon as possible.

106. Mr. AZHAR ELLAHI (Pakistan) said that Pakistan had been a longstanding adherent to the Convention and, even before the Convention had come into existence, had strictly observed the rules which had later been embodied in the Convention and its Protocols. It was ironic that the escalation of the irresponsible and indiscriminate use of land-mines, which victimized innocent people, had been at its worst after Protocol II had entered into force. Its rules were obviously ignored by many who were not parties to the Protocol and violated by others despite their obligations.

107. Pakistan wholeheartedly commended the adoption of the new Protocol on Blinding Laser Weapons. The Conference had adopted an amended Protocol on Mines, Booby-Traps and Other Devices. Despite the divergences of viewpoint on the quality of the achievement, an important step had been taken: the Parties had strengthened restrictions and prohibitions and had broken new ground, especially in promoting technical cooperation and preventing transfers of mines where they might be used contrary to the norms of humanitarian law. The Review Conference had also contributed significantly to raising international awareness of the tragic problem of land-mines.

108. Each country participating in the negotiations had been expected to make concessions in order to achieve consensus and Pakistan had contributed to that endeavour. The Government of Pakistan had decided to freeze an entire programme on the production of a category of remotely-delivered mines which, in its assessment, would not be in conformity with the technical requirements of the new Protocol. It had also issued instructions to cease production of non-detectable mines. Pakistan would achieve the required standards of the Technical Annex regarding detectability much earlier than the permitted deferral period.

109. The amended Protocol represented a compromise package and many of its provisions would remain a subject of legal speculation. Pakistan had proposed to redress possible anomalies by including a stipulation that the provisions of the amended Protocol could not be construed in a manner inconsistent with the scope of the instrument or the principles of the Charter of the United Nations. He was pleased to note that that had been affirmed in the Final Declaration. There had been certain conjectures on Pakistan's aims during the negotiations. He pointed out that Pakistan used mines only for its national security and defence. It did not export land-mines and it would continue to remain actively engaged in efforts to attain a complete prohibition of land-mines.

110. The war against the irresponsible and indiscriminate use of land-mines had only begun. To save civilians from the effects of land-mines, considerable efforts and financial resources must be used for de-mining.

It was unfortunate that the United Nations had received only one third of the resources needed for its modest de-mining programme. The Final Declaration reflected an unambiguous commitment to resolve the land-mines problem once and for all. Pakistan was satisfied that the issue would remain permanently on the agenda of the annual conferences of State parties envisaged in the revised Protocol. The Conference's appeal to uphold international instruments and norms of international humanitarian law in times of conflict would be heard throughout the world. It was an important and necessary message, but well-meaning assertions were not enough; the response of the international community to massive violations of humanitarian law and of human rights should be resolute, non-selective and without considerations of political expediency.

111. Mr. CABALLERO (Cuba) welcomed the achievement of the Review Conference. Cuba attached special importance to the adoption of amended Protocol II, which would lead to a better response to the humanitarian concerns raised by the irresponsible and indiscriminate use of land-mines while guaranteeing the legitimate national security interests of States. Protocol II had been strengthened by the prohibition of the use of non-detectable mines, the establishment of new specifications on self-destruction and self-deactivation mechanisms and the introduction of a mechanism for consultation among States parties on the implementation of the Protocol. To guarantee respect for the provisions of the Protocol, it was essential to develop consultations and increased transparency and cooperation among States parties. Articles 13 and 14 of the amended Protocol reflected that basic principle.

112. It was unfortunate, however, that the Conference had not resulted in a complete ban on remotely-delivered mines in view of the highly offensive nature of those devices. Cuba hoped that the restrictions adopted for that type of land-mine would be a first step in that direction. He noted with concern that, despite the international community's growing awareness of the problem, a limited number of States had ratified the Conventional Weapons Convention. Universal accession to the Convention and its Protocols must be a priority task for all.

113. According to Cuban military doctrine, anti-personnel land-mines were used only as a means of defence in the event of imminent threat or outside aggression and account must always be taken of the regulations on marking, signs and recording to prevent the civilian population from being affected. In peacetime, Cuba used anti-personnel land-mines only for protecting its national borders, for example, around the naval base at Guantanamo, a Cuban territory that was being illegally occupied by the United States. Cuba manufactured only the mines it needed to defend its territory and, in that respect, was already meeting all the technical requirements set forth in amended Protocol II. It did not export any mines and it urgently appealed to all States to respect the provisions set forth in article 8 on transfers of mines. Cuba would continue to cooperate in any activity that would make it possible to find better solutions to the humanitarian problems caused by land-mines, while taking into account the legitimate security interests of States and the international community's desire for greater security.

114. The adoption of Protocol IV on Blinding Laser Weapons was another important achievement of the Review Conference, even if that instrument did not prohibit the manufacture of such weapons. Cuba hoped that that Protocol would be strengthened without delay in order to eliminate any possibility, even slight, that mankind would have to suffer the consequences of the use of such appalling weapons.

115. Mrs. LAZARO (Observer for the Philippines) noted that the Philippines had recently renounced the use, production, import and export of land-mines. Until then, it had stocked only a limited number of Claymore mines for training purposes that it was in the process of disarming and safely eliminating. It was completing the constitutional requirements for the ratification of the Convention. It was also participating in regional and international initiatives aiming at a total ban on land-mines. The Philippines had co-sponsored General Assembly resolutions against the export and manufacture of land-mines and on assistance in mine-clearing activities and had contributed to the UNDP mine-clearance programme in Cambodia.

116. The Philippines welcomed the initiative of the Canadian Government to convene a meeting to discuss concrete steps towards a complete ban on anti-personnel land-mines. While it continued to hold to the ideal of a total ban on land-mines, it was aware that only international cooperation would achieve that objective. Although the amended Protocol was insufficient, its adoption was a step towards that objective. The Philippines hoped that the international community would continue to move toward that end, for the military utility of anti-personnel land-mines would always be outweighed by the appalling consequences of their application in actual conflicts.

The first part of the meeting rose at 7.45 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/SR.14/Add.1
9 May 1996

Original: ENGLISH

Second resumed session
Geneva, 22 April - 3 May 1996

SUMMARY RECORD OF THE 14th MEETING

(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Friday, 3 May 1996, at 7.45 p.m.

President: Mr. MOLANDER (Sweden)

CONTENTS

CONCLUDING STATEMENTS (continued)

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* The summary record of the first part of the meeting appears as document CCW/CONF.I/SR.14.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

CONCLUDING STATEMENTS (continued)

1. Mr. CARRASCOSA COSO (Observer for the Holy See) said that his delegation had taken note of the modest results of the current Conference, which were the extent of the consensus of which the international community was capable at the moment. It welcomed the unilateral decisions of some countries on a total ban on mines, or a moratorium on their use or export. Steps must be taken so that, in future, national defence requirements would not take such a high toll on the lives and suffering of innocent people. He recalled that, at the beginning of the current session, Pope John Paul II had called on world leaders permanently to ban the production, sale and use of mines.

2. Ms. TINCOPA (Peru) said it was clear from the reports submitted to and the statements made before the Review Conference that the international community must continue its efforts to ban or restrict the use of land-mines. The revised Protocol II on mines, booby traps and other devices, which the Conference had just adopted, was an important achievement that would prevent innocent people from being killed or mutilated. Her delegation considered that the question of land-mines should be given higher priority on the international agenda and welcomed the decision to set up a regular mechanism to examine the Convention and its annexed protocols. She urged all States to comply with the regulations in force and to take part in efforts to improve existing instruments.

3. Her Government was pleased that some States had taken steps to put an end to the production, use, sale and transfer of land-mines. Such a ban was necessary owing to the hideous and indiscriminate nature of such mines, the permanent danger they represented and the tragic human consequences they could have, as well as to the need to prevent their use as an economic weapon, a practice which harmed only the poorest sectors of the population. As a State party to the majority of the multilateral conventions on disarmament and human rights, Peru was therefore considering the possibility of acceding to the 1980 Convention and its Protocols in the near future.

4. Mr. SANNIKAV (Belarus) said that he welcomed the new amendments to Protocol II, which was the result of a complicated compromise and represented a fragile balance of interests among States parties to the Convention. The Republic of Belarus had, from the beginning, supported the international community's efforts to implement and expand the Convention and had been one of the original signatories. It regretted that, owing to the small number of parties, the Convention and its protocols had not been able to play a greater role in disarmament.

5. A 1995 Presidential Decree had introduced a moratorium on the export of land-mines. However, the military heritage of the former Soviet Union, which Belarus had largely inherited, made it difficult to implement international agreements, as had been the case with the Treaty on Conventional Armed Forces in Europe. Such implementation was a heavy burden and there could be no expectation of outside assistance. In many cases, Belarus required more time

and effort than other States to achieve the standards set in an agreement. The revised Protocol accurately reflected the current situation and the capabilities of States parties. The machinery it set up for annual consultations would be a good basis for further efforts in preparation for the next Review Conference.

6. Mr. MATHESON (United States of America) said that the revised Protocol II on land-mines was a significant advance that would, if widely observed, result in a substantial decrease in civilian casualties and be an important first step towards the elimination of such mines. His country welcomed the expansion of the Protocol to include internal armed conflicts and peacetime use; the requirements relating to the detectability, self-destruction and self-deactivation of mines that were not kept within marked and protected minefields; the assignment of responsibility for the maintenance or clearance of minefields to the party that had laid the mines; the requirement that minefields should be cleared at the end of active hostilities, the improvements in recording and marking and in the protection of international forces and missions; the restrictions on transfers; and the new provisions on compliance, including the penal sanctions for violators of the Protocol and the requirement that annual meetings of States parties should be held to discuss implementation.

7. The revised Protocol did not include all the provisions favoured by the United States, in particular, the introduction of a compliance investigation mechanism and restrictions on certain types of anti-tank mines. It also seemed excessive to allow States parties to defer compliance with certain provisions for up to nine years.

8. The United States welcomed the inclusion in article 8 of an obligation to refrain from any transfer of mines whose use was prohibited, notwithstanding any deferral of compliance with the restrictions contained in articles 2 or 3 of the Technical Annex, and of a political commitment concerning such transfers. While such a commitment did not legally bind the United States or prejudice the Senate's consideration of the amended Protocol, it was his country's policy, pending the entry into force of the Protocol, to observe all of its restrictions to the fullest extent possible from the time of adoption. Moreover, although the commitment covered by article 8 applied only to anti-personnel mines, it was the policy of the United States to refrain from any transfer of non-detectable anti-tank mines as well and it encouraged other States to follow its example. It also supported the expansion of the scope of Protocol IV and would refrain from the use of the laser weapons prohibited by that Protocol.

9. Protocol II must be part of a broader strategy which included mine clearance, further international controls on production, transfers and stockpiles, and research on alternatives to anti-personnel land-mines and would lead to the total elimination of such mines, but it could substantially reduce the disastrous effects of the indiscriminate use of land-mines and serve as a basis for further efforts.

10. Ms. RIVERO (Uruguay) said that her country had traditionally adopted a pacifist position reflected in early ratification of or accession to international humanitarian law instruments and cooperation with international missions for peace. From the earliest stages of the revision of the Convention, it had expressed its opposition to the use of mines and other weapons of destruction. Her delegation welcomed the progress made during the current Review Conference, but regretted that there had been so many exceptions to the prohibitions and restrictions agreed on. She hoped that other countries would adopt unilateral measures to ban the production and export of mines and destroy existing stocks and that they would cooperate in demining operations. The Review Conference had laid the foundations for future periodic meetings which might make greater progress toward a total ban on land-mines.

11. Mr. MICHIE (South Africa) said that his Government supported efforts to achieve an international prohibition on the production, stockpiling, transfer and use of anti-personnel land-mines. It had adopted a moratorium on the export of all types of land-mines and, in September 1995, had extended that measure to prohibit the export of long-lived anti-personnel mines and to phase out their use. It had also decided to suspend the use of anti-personnel land-mines by the South African National Defence Force, which was re-evaluating the future military utility of such mines.

12. Mr. REID (United Kingdom) associated himself with the statement made by the representative of Italy on behalf of the European Union. While the progress achieved at the current Review Conference fell short of his country's hopes, it would help to reduce the danger to civilians from anti-personnel land-mines. In a series of decisions of 23 April, the United Kingdom had decided to join the growing number of countries which supported a total ban on anti-personnel land-mines. It recognized that such a ban and, indeed, any interim steps such as those taken at the current Conference would require international agreement and it would work towards a total ban. It would destroy nearly half of its stockpile of anti-personnel land-mines as quickly as possible and, save in exceptional circumstances and if the Government decided that there was no alternative, it would not use its remaining stocks. Its plans for the replacement of the reduced stocks would be kept under review and would depend, in part, on the progress towards a total ban. His Government would also pursue alternatives which would make it possible to abandon the use of anti-personnel land-mines and had decided on a moratorium on their export. Those measures showed how much importance his country attached to the banning of land-mines, a goal towards which the current Review Conference had made progress and for which the United Kingdom would continue to work.

13. Mr. SOTHA (Cambodia) said that, while the Review Conference had made some progress, the new agreement was a very small step. Cambodia welcomed the inclusion in the Convention of protection for humanitarian mine clearance operations and the outlawing of blinding laser weapons. It thanked the donor countries which supported demining operations in Cambodia, namely, Australia,

Belgium, Canada, Denmark, the European Commission, Germany, the Holy See, Japan, the Netherlands, New Zealand, Norway, Sweden, the United Kingdom and the United States of America, and all of the non-governmental organizations (NGOs) which were working in Cambodia to clear mines and were lobbying for a total ban. Over 30 countries had called for such a ban; Cambodia urged other nations to do the same and to listen to the voice of the people, who wanted no more mines, whether "smart" or "dumb". He thanked the delegations which had worked to strengthen Protocol II and looked forward to working so that other countries need not suffer as the people of Cambodia had suffered.
King Norodom Sihanouk had called for an end to mine warfare and Cambodia planned to ratify the Convention in the very near future.

14. Mr. TANDAR (Afghanistan) said that, when the victims of land-mines learned the result of the Review Conference, they would feel that the horror of their amputations, the unhappiness of their lives and the unbearable images of the savagery inflicted upon them had not touched the hearts of some countries. Afghanistan, which suffered from the presence of over 15 million mines, thanked the United Nations and all the other agencies which had helped it to demine part of its territory; however, it still faced the problem of the economic integration of the victims of land-mines. It was saddened by some of the language used at the Review Conference. It failed to understand the meaning of the words "the responsible or irresponsible use of anti-personnel mines"; he wondered whether anyone would dare to call the Soviet Union, which had laid the mines in Afghanistan, an irresponsible State. He also regretted that some countries claimed to support the right to development, but did not oppose anti-personnel land-mines, which were an obstacle to that development. He failed to see how it was possible to support the rights of women and children without opposing the use of land-mines, of which women and children were so often the victims.

15. Afghanistan welcomed the progress, however slight, made during the current Review Conference, but it would continue to dream of a world without land-mines. Only a total, unconditional ban on the production, export, use and stockpiling of anti-personnel land-mines would satisfy his Government.

16. Mr. EHRLICH (Austria) said that his delegation fully supported the statement made by the representative of Italy on behalf of the European Union. Austria had been among the first countries to declare a moratorium on the production and export of anti-personnel mines and its armed forces would destroy the country's remaining stocks of such mines by summer 1995. Further legal measures were under consideration, but unilateral measures, though useful, were not enough. The growing support for a total ban on anti-personnel mines was one of the most important results of the current Review Conference. Austria had been one of the first countries to support that proposal, which had been initiated by the International Committee of the Red Cross and was supported by over 40 States, and it was convinced that the trend would continue. Austria would support all such efforts and welcomed the Canadian proposal for a meeting of States which supported a ban.

17. Mr. KHOURY (Syrian Arab Republic) said that the States which were responsible for the laying of anti-personnel mines throughout the world should, in accordance with the provisions of articles 5 and 10 of the revised Protocol II, be responsible for clearing those mines at the end of the conflicts in which they had been used. Any interpretation of either of those articles which was contrary to that assignment of responsibility would be a step away from the goal of the Conference. Rapid mine clearance was essential to prevent the further mutilation of civilians, damage to economic life and other tragic consequences of anti-personnel land-mines.

18. Mrs. WAHLSTRÖM (Observer for the International Federation of Red Cross and Red Crescent Societies) said that she wondered how to inform Red Cross volunteers of the results of the Review Conference. How could she tell a volunteer whose colleague had been killed by an anti-personnel mine while trying to help others that, from now on, there would be information on safe routes, but only in so far as was feasible, if information was available and unless ongoing hostilities prevented it? How could she tell a volunteer in whose country floods had left mines in unsuspected places that such mines would be detectable only in nine years, after the entry into force of the new Protocol? How could those volunteers tell the refugees who wanted to return to their mine-infested countries that they must wait until the next Review Conference in 2001? She urged Member States to take immediate steps to ratify the 1980 Convention and its new Protocols, to ban anti-personnel land-mines at the national level, to adopt bilateral, regional and international initiatives and to begin preparations for the annual consultations. There was no time to waste.

19. Mr. ROETHLISBERGER (Observer for the International Committee of the Red Cross (ICRC)) said that, while the results of the Review Conference were modest, the Conference had at least focused the attention of Governments and their military forces on the humanitarian responsibilities involved in land-mine use and on the need for dramatic changes in their approach to those weapons. As with poison gas, the public conscience and a growing number of States had already stigmatized anti-personnel mines. Though not yet reflected in a global consensus, movement towards the elimination of those weapons had proceeded rapidly, as State after State had reviewed the balance between military utility and humanitarian concerns and announced support for a ban.

20. However, the provision of Protocol II on mine transfers, if narrowly implemented, would represent for most States a step backwards from present practice. The limitations adopted on the use of land-mines were woefully inadequate. They would encourage the production, transfer and use of a new generation of mines, while not prohibiting any existing types other than, possibly, non-detectable anti-personnel mines. Taken together with the absence of verification measures, those measures were unlikely to reduce significantly the level of civilian land-mine casualties. The horrific numbers of such victims in recent years would continue unless Governments squarely faced their humanitarian responsibilities and did far more than required by the agreement just adopted.

21. The ICRC deeply regretted that, for the first time in a humanitarian law treaty, measures had been adopted which, instead of entirely prohibiting the use of an indiscriminate weapon, both permitted its continued use and implicitly promoted the use of new models which would have virtually the same effects, at least in the short term. While it was also regrettable that the scope of the Protocol could not be extended as had been agreed at Vienna, the ICRC encouraged all States to issue a statement of understanding at the time of accession, indicating that they considered the Protocol to apply at all times. The ICRC would host regional meetings of Central American and South-East Asian States on the land-mine issue at the end of May.

22. The interpretation of the word "primarily" give by the representative of Germany and supported by a number of States had helped to make it clear that, with only one exception, mines with anti-personnel characteristics fell within the definition of an anti-personnel mine. However, that did not solve an important humanitarian problem, namely, the use of anti-handling devices on remotely delivered anti-tank mines. Such mines would be just as dangerous to civilian populations as anti-personnel mines, the only difference being that they would usually kill their victims. States should seriously address that problem in the very near future.

23. Ms. CURRY (For Humanity's Future) said that the group of NGOs she represented was deeply concerned about the failure of the Review Conference. Its terms of reference clearly contained the words "prohibitions" and "restrictions"; the reality was that the Conference had dealt exclusively with "restrictions" on anti-personnel land-mines to be emplaced in the future. What had prevented the Conference from working on both aspects at the same time?

24. It was well known that legal prohibition provided a legal basis for effective monitoring, controlling and stopping the production, transfer and use of weapons. That had been confirmed by the example of chemical weapons and yet the Conference had totally ignored that practical approach. The reason was that the major Powers, which had largely determined the course of the Conference, did not have the political will to place humanitarian criteria and development above geopolitical and military considerations. The situation was worse and more dangerous than before for the populations affected by the scourge in over 60 countries, particularly because of increased difficulties with control and verification provisions in the revised version of Protocol II. It was also alarming that the little confidence the world public, and the maimed and potential victims of land-mines, still had in international consultations and conferences would diminish yet again with the failure of the Review Conference. Under the circumstances, there was no choice and no other duty but to continue most vigorously the struggle for the total ban of anti-personnel land-mines.

25. She commended Canada on its initiative to convene a conference in the fall of 1996 and welcomed the statements by Angola, Mexico, Afghanistan and the ICRC. The reaction to Protocol II reminded her of the folktale about the Emperor's new clothes, which had been proclaimed as being extraordinary and magnificent, but which had in fact not existed.

26. Ms. WALKER (Handicap International), speaking on behalf of the International Campaign to Ban Landmines, said that the changes made as a result of the review process would not affect the lives of those living with land-mines. The 1996 version of the Convention failed to meet its own standard and purpose; rather than put anti-personnel land-mines outside the law, Governments and the military had laboured long and hard to continue to make room in the law for anti-personnel land-mines and they had succeeded. That diplomatic success was the failure of the Convention regime on land-mines.

27. Her organization had always viewed the Review Conference as but one part of the process that would bring about a total ban on land-mines. The Convention had been overtaken by the ban movement. While the amended Convention would not change the lives of land-mine victims, the process itself had contributed to the momentum of the ban movement. National campaigns would step up pressure to bring reluctant countries into the pro-ban movement. The Campaign would continue to mobilize a public outcry to oppose the production, use, stockpiling or transfer of land-mines, for the public was far ahead of its own Governments, as shown by the 2.5 million signatures from people around the world calling for an immediate ban, which the Campaign had delivered to the Conference. The Campaign welcomed the initiative of Canada to convene a meeting of like-minded Governments, along with NGOs, to form a bloc within the international community to outlaw land-mines.

28. Mr. CHANNARETH (International Campaign to Ban Landmines) said that he, along with his friends from Afghanistan, Mozambique and Cambodia, had come to Geneva to put a human face on the mass suffering caused by land-mines. They were living reminders of what the power of hate could do to legs, arms and eyes. They wanted the participants in the Conference to see them because it was easy to sit inside big buildings and legalize new war toys for new-generation soldiers when they did not see the hospitals and killing fields. He called on the participants to come see for themselves and take pity on the poor.

29. While it was difficult for people like him not to have legs, they most pitied their own children. As the father of six, he wanted his children to have a future free of land-mines and he was therefore very disappointed that the Conference could not agree to ban those mines. He and other ordinary people had thought the work of the United Nations was to forge unity between countries, not weapons that divided them; to stop poverty, not increase it for generations; and to gather clever brains together to solve difficult problems. Ordinary people did not want the United Nations to be ruled by armies, but wanted peace-makers deciding the future of the world. He called on the participants in the Conference to go back to their own countries, work for a total ban and ask for money for demining. Many wanted to do that, but were trapped by fear and mistrust. First they must remove the mines from their hearts. Then, they could remove them from the world.

30. Mr. MOON (International Campaign to Ban Landmines) said that, in 1995, while clearing land-mines for a charity in Africa, he had found exactly what

he was looking for and had had his right lower leg and his hand blown off as a result. He accepted that with good grace and did not consider himself a victim because he had chosen to run humanitarian mine clearance teams. People living in mined areas had no choice and frequently no voice. He had worked with many NGOs with diverse views, but, on the issue of land-mines, they spoke with one voice. He heard the same outrage from people around the world, but the rising tide of opinion from the majority of mankind had not been converted into a political and international process of land-mine abolition. There were now many military commanders with enormous credibility and experience who had asked for a total ban because of the indiscriminate nature of land-mines and because they failed the proportionality test: the human cost far exceeded the military value. He challenged the Conference to learn from their experience and to treat the Convention not as an end, but as a beginning. Representatives must insist that their Governments should deal with the issue and the Governments of China and the Russian Federation, in particular, should do more in that regard.

31. The PRESIDENT said that the achievement of the Conference lay in having developed a piece of legislation, but also in the great number of unilateral actions taken by Governments because of the review process, the insistence of NGOs and the galvanization of political will, which, in the end, would produce further results. Increased accession to the Protocol and the Convention would, he was sure, guarantee their universal implementation.

The meeting rose at 8.55 p.m.

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

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25 September 1996

ENGLISH

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

First and second resumed sessions

SUMMARY RECORDS OF THE 9th to 14th MEETINGS

held at the Palais des Nations, Geneva
from 15 to 19 January and
from 22 April to 3 May 1996

Corrigendum

The present document contains the corrections received from the participants and the Secretariat to the English text of the summary records of the public meetings of the Review Conference at its first and second resumed sessions (CCW/CONF.I/SR.9-14/Add.1).

With the issuance of the present corrigendum, the summary records of the meetings of the first and second resumed sessions of the Review Conference are to be considered as final.

9th meeting

Paragraph 6

Line 2: *for* Protocol II *read* a revised version of Protocol II

Line 4: *for* community, and hopefully *read* community and hoped that

Paragraph 7

Line 4: for the existing text *substitute*

anti-personnel mines and, by so doing, wanted to express

Line 5: *for* It *read* Thus, it

Line 7: *for* was taking *read* had taken

The last sentence should read

His Government agreed with the need for new restrictions to be set out in Protocol II, i.e. the extension of the Protocol to non-international conflicts; the detectability of land-mines; the prohibition of remotely delivered anti-personnel mines; the necessity of self-destructing or self-neutralizing mechanisms for all anti-personnel mines; and the establishment of a verification mechanism.

Paragraph 8

The first sentence should read

8. The restrictions that the Swiss Government had applied with regard to the use of anti-personnel mines had always been much more stringent than those required by general international law and by Protocol II.

Line 3: for the existing text substitute

longer produced either anti-personnel mines or components for such mines. It had reached the

Line 5: after provide a insert full and

Line 6: for the existing text substitute

problem of mines. Such a prohibition would also be the only solution to the issue

Line 10: for in anticipation of the revised Protocol read in the hope that this would clear the way for an international agreement on a total ban of anti-personnel mines

At the end of the paragraph add

Against the background of these elements, the Swiss delegation proposed a total ban of anti-personnel mines to be enshrined in international law.

11th meeting

Page 1

The President's name should read Mr. MOLANDER

Page 10, paragraph 43, line 2

For Western Serbia read western Sirmium

Paragraph 50

The speaker's name should read Mr. AQA

14th meeting (first part)

Paragraph 6

Lines 2-3: for must be observed at all times, depending on circumstances. read shall, as the context requires, be observed at all times.

Line 6: after Netherlands insert Norway

REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

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Original: ENGLISH/FRENCH/
SPANISH/RUSSIAN

Vienna, 25 September-13 October 1995

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Col. Djoko Soelahari	Department of Defense, Jakarta Adviser

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Mr. Hamid Baidi-Nejad	First Secretary Permanent Mission, Geneva
Mr. Alireza Karami	Adviser, General Staff of Armed Forces
Mr. Amir Reza Ghaemi	Adviser, General Staff of Armed Forces,
Mr. Mohammad Soroush	Adviser, Ministry of Defence
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M. Lotfi Bouchaara	

MOZAMBIQUE

Mr. Osório Mateus Severiano	Director of Demining National Commission
Mr. Eugenio do Carmo Artur Come	Third Secretary Ministry of Foreign Affairs and Cooperation

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Mrs. Bernarditas C. Muller	First Secretary Permanent Mission, Geneva
Ms. Monina Estrella G. Callangan	Third Secretary Permanent Mission, Geneva

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Mr. Licínio Bingre do Amaral	Department of Security and Defence Ministry of Foreign Affairs
Maj. Manuel Augusto Pires	Army Adviser Ministry of Defence

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Mr. Yong-So Kim	Counsellor Permanent Mission, Geneva
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Mr. Hee-Bong Kang	Researcher Agency for Defense Development

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Maj. Tan Eng Ann	Project Officer, Operations Plan Branch Army, Ministry of Defence
Ms. Rena Lee	Legal Officer, Legal Services Ministry of Defence

SYRIAN ARAB REPUBLIC

Mr. Clovis Khoury	Chargé d'affaires
Mr. Iyad Orfi	Attaché Mission permanente, Genève

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Mr. Artaporn Puthikampol	Counsellor, Political Division Department of International Organizations Ministry of Foreign Affairs

TURKEY

Mr. Reha Keskintepe	Counsellor, Permanent Mission, Geneva Head of Delegation
Mr. Asim Arar	First Secretary, Department of Disarmament, MFA

UNION OF MYANMAR

U Htin Lynn	Third Secretary, Permanent Mission, Geneva

VENEZUELA

Sr. Fernando Barroso Fuenmayor	General de Brigada (Ej.)
Sr. Humberto Silva Cubillan	General de Brigada (Gn)

VIET NAM

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Mr. Bui Quang Minh	First Secretary Permanent Mission, Geneva
Mr. Tran Van Chu	First Secretary Permanent Mission, Geneva
Ms. Ngo Thi Lien	Second Secretary Permanent Mission, Geneva

ZAMBIA

Mr. E.M. Katongo	First Secretary Permanent Mission, Geneva

ZIMBABWE

Mr. T.T. Chifamba	Chargé d'affaires Head of Delegation
Mr. D. Hamadziripi	Counsellor Permanent Mission, Geneva

Ms. J. Ndaona	First Secretary Permanent Mission, Geneva
Mr. K. Mupezeni	First Secretary Permanent Mission, Geneva
Mr. Nesbert Kanyowa	First Secretary Permanent Mission, Geneva

III. UNITED NATIONS

UNITED NATIONS CHILDREN'S FUND (UNICEF)

Ms. Tehnaz J. Dastoor	Office of Emergency Programmes, New York
Mr. Stuart Maslen	Research Officer, United Nations Study on the impact of armed conflict on children
Mr. Hans Olsen	Information Consultant to UNICEF in Geneva

UNITED NATIONS DEPARTMENT OF HUMANITARIAN AFFAIRS (UNDHA)

Mr. Joerg Wimmers	Mine Clearance and Policy Unit, New York
Mr. Philippe Boulle	

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

Mr. Sylvester Awuye	Coordinator, Protection Operations Support Division of International Protection

UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH (UNIDIR)

Dr. Jozef Goldblat	Consultant

IV. INTERGOVERNMENTAL ORGANIZATIONS

LEAGUE OF ARAB STATES

M. Talal Shubailat	Conseiller, Chargé d'affaires a.i.
M. Samer Sef Elyazal	Attaché à la Délégation
M. Salah Aeid	Membre de la Délégation

ORGANIZATION OF AFRICAN UNITY

H.E. Mr. A. Bensid	Permanent Observer Permanent Mission, Geneva
Mr. Samuel Muganda	Counsellor Permanent Mission, Geneva

ORGANISATION OF THE ISLAMIC CONFERENCE

H.E. Dr. N.S. Tarzi	Ambassador, Permanent Observer
Mr. F. Addadi	Counsellor

V. OBSERVER AGENCIES

INTERNATIONAL COMMITTEE OF THE RED CROSS

Mr. Cornelio Sommaruga	President of the ICRC
Mr. Eric Roethlisberger	Vice-President of the ICRC
Mr. Daniel Thürer	Member of the Committee
Mr. Yves Sandoz	Head of Delegation
Mr. Toni Pfanner	Deputy Head of Delegation
Ms. Louise Doswald-Beck	Member of Delegation
Mr. Peter Herby	Member of Delegation
Mr. Dominique Loye	Technical Adviser
Mr. Patrick Blagden	Military Adviser
Mr. Chris Giannou	Medical Adviser
Ms. Johanne Dorais-Slakmon	Adviser
Mr. Jean-Paul Fallet	Adviser
Sylvie Junod	Adviser
Mr. Robert Dempfer	ARC Spokesman
Mr. Alexander Lang	Legal Adviser, ARC

INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

Mr. Peter Walker	Director, Disaster and Refugee Policy
Mr. Wilfried Remans	Head of International Affairs Division
Ms. Lina Bertelsen	Legal Affairs
Mr. Christophe Lanord	Legal Affairs
Mr. Tore Svenning	Officer, External Affairs
Mr. Franc Mohrhauer	Legal Affairs

SOVEREIGN ORDER OF MALTA

S.E. M. Carlo Fedele	Ambassadeur Observateur permanent adjoint Chef de Délégation
Mr. Helmut Liedermann	Ambassadeur en République Slovaque
Mme Marie-Thérèse Pictet-Althann	Premier Conseiller Délégation permanente d'Observation

VI. RESEARCH INSTITUTES AND NON-GOVERNMENTAL ORGANIZATIONS

THE ANGLICAN COMMUNION

Bishop James H. Ottley	Anglican Main Representative to the United Nations
Ms. Ruby Norfolk	Associate for the Advancement of Women

THE ARMS CONTROL ASSOCIATION

Ms. Sarah Walkling

ASSOCIATION OF MOZAMBICAN DISABLED

Ms. Farida Gulamo	President

ASSOCIATION POPE JOHN XXIII

Mr. Massimiliano Filippini

AUSTRIAN PEACE COUNCIL

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BREAD FOR THE WORLD

Dr. Wofgang Mai	

CARITAS INTERNATIONALES

Br. Marcel Furic	Permanent Delegate in Geneva
Ms. Mary Tom	Assistant Delegate

CENTER FOR DEFENSE INFORMATION

Mr. David Isenberg	

COALITION FOR PEACE AND RECONCILIATION

Ven. Maha Ghosananda	Supreme Patriarch of Cambodian Buddhism
Mr. John Rodsted	Photographer
Ms. Judith Majlath	

CONSEIL INTERNATIONAL DU DROIT DE L'ENVIRONNEMENT

M. Henry Bandier	Délégué permanent

DEMILITARIZATION FOR DEMOCRACY

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DEUTSCHES ROTES KREUZ

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Mme Claire Guigou	Chargée de mission, Responsable des projects de développement

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Ms. Sylvie Brigot
Dr. Philippe Chabasse
Ms. Cécile Delalande
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Mr. Jasmine Desclos
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Mr. Alexander Eric Vines	Research Associate

INDIAN INSTITUTE FOR PEACE, DISARMAMENT AND ENVIRONMENTAL PROTECTION

Dr. Balkrishna Kurvey	President

INTERACTION

Mr. Richard Walden

INTERNATIONAL ASSOCIATION "FOR HUMANITY'S FUTURE" (FHF)

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Mr. Konstantin Volkov	Vice-President
Mr. Dale Ott	Religious Affairs Officer

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INTERNATIONAL ASSOCIATION OF PEACE MESSENGER CITIES

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Rev. F. Peter Brinkman	
Mr. James Kenney	

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Ms. Christine Rahn

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Mr. Colin Archer
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Ms. Sheila Oakes

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Father Marcello Storgato	"Missione Oggi"
Ms. Santina Bianchini	Vice Mayor of the town of Castenedolo
Prof. Marco Maestro	Centre for Peace Research, Bari University
Mr. Fulvio Bucci	"Reggio Terzo Mondo"
Franca Faita	
Prof Dipak R. Pant	
Mr. Gianvito Padula	
Mr. Basilio Rodella	
Ms. Alessandra Tosoni	
Mr. Giancarlo Salvoldi	

Mr. Gianfranco Luisetto
Ms. Sonia Rota
Mr. Pero Jakic
Mr. M. Filippini

JESUIT REFUGEE SERVICE

Mr. Tun Channareth	Cambodia
Mr. Suon Chreuk	Cambodia
Mr. Hul Bros	Cambodia
Mr. Mimi So Kherm	Cambodia
Ms. Sam Oven	Cambodia
Ms. Sok Eng	Cambodia
Ms. Denise Coghlan	Cambodia
Mr. Enrique Figaredo	Cambodia
Ms. Patricia Curran	Cambodia
Ms. Elisabeth Janz Mayer-Rieckh	Geneva
Mr. Henry Volken	Geneva
Mr. Jörg Alt	Germany
Mr. Ward Kennes	Brussels
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LANDMINE SURVIVORS NETWORK (LSN)

Mr. Jerry White	Director
Mr. Ken Rutherford	Director

LUTHERAN WORLD FEDERATION

Rev. Dr. Rebecca Larson	Secretary for Research and Development Education
Mr. Dennis Frado	Main Representative at United Nations Headquarters
Ms. Marie Breton-Ivy	

MANI TESE

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Ms. Patricia Curran

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Mr. Mohammad Usman	

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Mr. Rae McGrath	Consultant (founder director)
Mr. Chris Horwood	Overseas Director
Mr. Lou McGrath	Information Officer
Ms. Clair Crawford	Parliamentary Officer

MISEREOR

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NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE USA

Mr. Robert W. Tiller

NATIONAL PEACE COUNCIL (UK)

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NORWEGIAN PEOPLE'S AID

Mr. Petter Quande

OPERATION USA

Mr. Richard Walden

OXFAM UNITED KINGDOM AND IRELAND

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Mr. Don Hubert	Researcher
Mr. Chris Moon	Deminer

PAX CHRISTI INTERNATIONAL

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PEACE ACTION

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SAFERWORLD

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Mr. Peter J. Davies	Saferworld
Mr. David Isenberg	Center for Defense Information
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Mr. Robert Tiller	National Council of Churches of the USA
Mr. Earl Joseph Volk	Friends Committee on National Legislation
Ms. Sarah Walkling	Arms Control Association
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Ms. Ali Ramsey	Campaign Assistant
Ms. Liz Bernstein	Campaign Assistant
Mr. Kevin Malone	Campaign Assistant
Mr. Mark Woodrow	Campaign Assistant

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WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

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